103

CONSERVATION COMPLIANCE PROVISIONS OF THE 1985 FARM BILL

Y 4.AG 8/1:103-93

Conservation Compliance Provisions...

HEARING

BEFORE THE

SUBCOMMITTEE ON ENVIRONMENT, CREDIT,
AND RURAL DEVELOPMENT

OF THE

COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

AUGUST 11, 1994

Serial No. 103–93

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REVIEW OF THE STATUS OF CONSERVATION COMPLIANCE PROVISIONS OF THE 1985 FARM BILL

THURSDAY, AUGUST 11, 1994

House of Representatives,
Subcommittee on Environment, Credit,
and Rural Development,
Committee on Agriculture,
Washington, DC.

The subcommittee met, pursuant to call, at 10:40 a.m., in room 1300, Longworth House Office Building, Hon. Tim Johnson (chairman of the subcommittee) presiding.

Present: Representatives Long, Minge, Barlow, Pomeroy, Holden, Penny, Peterson, Baesler, Farr, Gunderson, Allard, Barrett, Dickey, Smith of Michigan, and Lucas.

Staff present: Dale Moore, minority legislative coordinator; Glenda L. Temple, clerk; Anne Simmons, Dwight Fettig, and David Ebersole.

Mr. Johnson of South Dakota. Good morning and welcome to this morning's hearing by the Subcommittee on Environment, Credit, and Rural Development in regard to the status of the conservation compliance provisions of the 1985 Food Security Act.

OPENING STATEMENT OF HON. TIM JOHNSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH DAKOTA

Mr. Johnson of South Dakota. Good morning and welcome to this morning's hearing by the Subcommittee on Environment, Credit, and Rural Development in regard to the status of the conservation compliance provisions of the 1985 Food Security Act.

Work done so far on conservation compliance will help to reduce soil erosion by an average of 66 percent per acre on over 143 million acres of highly erodible crop land. This is something that I believe the agricultural community can be proud of. It is one that environmentalists and farmers alike can point to as a step in the right direction.

While some individual farmers may not have lived up to their responsibilities yet, the fact that 92 percent of the plans across the country have been completed and are being carried out appears to me to be great progress. I think there were some of us who thought that the numbers would be even worse as we got closer to the deadline, so with the impact of last year's floods taken into account, I think it has to be conceded that substantial progress has been made to date.

I realize that all of those plans are not living up to their full potential, as I am certain some of the witnesses on the panel will allude to. But that is why I convened this hearing so that the Soil Conservation Service could get its story out and those who don't agree with their conclusions would have a chance to express their concerns and constructive suggestions.

In May of 1992, this subcommittee held a hearing on compliance. Data from the Department witnesses showed that up to 4 percent of all producers were out of compliance at that time. The Center for Resource Economics, an environmental think tank, testified that it was closer to 20 percent were out of compliance. This battle of what is meant by being in compliance and what portion of all producers are not in compliance is likely to continue and will be an important consideration when policy options for 1995 are debated.

[The prepared statement of Mr. Johnson of South Dakota follows:]

OPENING STATEMENT OF CHAIRMAN TIM JOHNSON
ENVIRONMENT, CREDIT AND RURAL DEVELOPMENT SUBCOMMITTEE
HEARING ON THE STATUS OF CONSERVATION COMPLIANCE PROVISIONS

August 11, 1994

Good morning and welcome to this morning's hearing by the Subcommittee on Environment, Credit and Rural Development in regard to the status of the conservation compliance provisions of the 1985 Food Security Act.

While I will allow Chief Johnson to tout the successes, I am pleased on behalf of the current and former Members of this Committee to share with you that the work done so far will help to reduce soil erosion by an average of 66% per acre on over 143 million acres of highly erodible cropland. This is something that the agricultural community can be proud of. No one likes to see soil eroding and this effort is one that environmentalists and farmers alike can point to as a step in the right direction.

I would add a reminder for the benefit of our friends in the environmental community that it's my understanding that those who drafted the various provisions in the '85 farm bill including the conservation compliance provisions did not have a set goal or number in mind for reducing soil erosion, so it seems as if it would be difficult to condemn or criticize any progress that is made in this area.

While some individual farmers may not have lived up to their responsibilities yet, the fact that 92% of the plans across the country have been completed and are being carried out appears to me to be great progress. I think there were some of us who thought that the numbers would be even worse as we got closer to the deadline, so with the impact of last year's floods taken into account, I am fairly satisfied by the progress made to date. I realize that this does not mean that all of these plans are living up to their full potential as I'm certain some of the witnesses on the panel will allude to, but that's why I convened this hearing, so that the Soil Conservation Service could get its story out and those who don't agree with their conclusions would also have a chance to express their concerns.

With that I would conclude my opening remarks and recognize the ranking Member, Mr. Combest for any opening statement he may have.

ARE THERE ANY OTHER MEMBERS WISHING TO MAKE OPENING STATEMENTS?

Mr. JOHNSON of South Dakota. The Ranking Member, Mr. Combest has indicated to me that he will be delayed a bit in attending this hearing, although staff is here and he will be paying close attention to the testimony today. I will ask other members if they have any opening remarks they choose to make.

Also, any prepared statements by members will appear at this point in the record.

[The prepared statements of Mr. Sarpalius and Mr. Combest follow:]

STATEMENT OF HON. BILL SARPALIUS

Mr. Chairman, thank you for taking the opportunity to conduct this hearing today.

I look forward to hearing the testimony of our witnesses this morning concerning conservation compliance. According to ASCS, the key to successful farming is "total resource management" which results in reduced soil erosion, better air and water quality, and among other benefits, increased profits for our farmers.

There are over 30 different conservation choices currently available, including terracing, cover crops, crop rotation, and filter strips.

With the upcoming Farm Bill next year and the increasing emphasis placed on environmental concerns, I certainly look forward to learning more about the conservation compliance program and what improvements could be made to this valuable agricultural and environmental tool.

Again, thank you for holding this hearing today, and I look forward to hearing the testimony of the witnesses.

Statement of
the Honorable Larry Combest, M.C.
Subcommittee on Environment, Credit and Rural Development
Committee on Agriculture
August 11, 1994

Mr. Chairman, as we head into the final months before the deadline for conservation compliance, I am especially interested in whether or not we are all using the same definitions and guidelines about what is and what is not full implementation of conservation plans.

A recent USDA press release indicates 92 percent of farm plans are being actively implemented. I would remind my colleagues that in an oversight hearing held a couple of years ago in this Subcommitee, there was wide disagreement between SCS and Ken Cook's organization, which was then called the Center for Resource Economics. In fact, if I remember correctly, SCS testified that only four or five percent of farmers were then out of compliance, while Mr. Cook concluded it was closer to 20 percent. If we get ourselves in these kinds of data disputes, we will be in for a long debate during next year's farm bill consideration.

My second concern today is what happens to those producers who have made a good faith effort to comply and for one reason or another clearly will not make the deadline. The 1990 farm bill contemplated using the CRP as a pressure valve so that these producers could enroll those acres that would not comply in the CRP. Obviously, with the current budget situation, that is not an option. I will be interested in learning from the Chief exactly how SCS will deal with these problems.

Finally, Mr. Chairman, I am extremely interested in where USDA plans to take us from here. My own feeling is this Committee may be ready to assess the impact of the 1985 Food Security Act on farmers before consideration of any further environmental activities under the farm statutes -- or other federal laws for that matter. Thank you, Mr. Chairman.

Statement of
the Honorable Pat Roberts, M.C.
Subcommittee on Environment, Credit and Rural Development
Committee on Agriculture
August 11, 1994

Mr. Chairman, I appreciate your holding this hearing to review the status of the conservation compliance provisions of the 1985 Food Security Act. This Subcommittee's history of conscientious work on and oversight of the soil and water conservation statutes under the Committee's jurisdiction is well-known, and you are to be commended for continuing this important work. Now, we are down to crunch time -- the January 1, 1995, full compliance deadline is fast approaching, and it appears the Soil Conservation Service also has done commendable work: a May 16, 1994, USDA press release informed us that half of the plans are fully implemented and more than 90 percent are on schedule. Those plans are the result of work with hundreds of thousands of farmers, and the shoe leather expended to bring more than 143 million acres of highly-erodible land into compliance. No small effort under any circumstances. That is an achievement our farmers can be proud of, and that we can point to as a highly-successful public-private partnership for conservation.

Now, I think it is time to step back and fully assess this achievement before we move on. I look forward to hearing the testimony of SCS Chief Johnson. What is his vision for conservation and the farmer, especially in light of the proposed Natural Resources Conservation Service? The 1995 farm bill debate may be too late for assessing conservation compliance since the deadline is this January. I hope Chief Johnson addresses these kinds of issues. Where does he plan to take us from here? What information and empirical analysis is he using? We have the 1992 National Resources Inventory (NRI) that has been recently released; we have Ken Cook's analysis. However, we probably should wait for the next NRI, which, I believe, will be done in 1997.

The questions can certainly be asked. Are we achieving the soil reduction goals Congress intended, and, more importantly at what cost? There has been criticism that SCS has been too lenient. An AP story published about a month ago cites an IG report charging USDA with relaxation of soil conservation efforts. The report, as you might guess, is especially critical of alternative conservation systems.

I would remind colleagues who know the history of the 1985 FSA and to those who were not here there are very good reasons for alternative conservation systems. One reason that comes to mind is that some early conservation plans required farmers to spend more per acre on practices than the land was worth. That makes no sense -- certainly no economic sense and no common sense. I would also remind the Subcommittee there are entire regions of the country that couldn't be farmed without alternative conservation systems.

Before we go running off to put more regulations on farmers, let's make certain there are on-farm and societal benefits to all environmental requirements. Let's ask the right questions: how are these benefits measured? What are the costs to achieve them?

Finally, Mr. Chairman, I want to take a minute to address my bill, H.R. 3794. Although I readily admit I have not heard any horror stories coming out of the Midwest following the 1993 floods, I still am concerned that we need a definite statutory policy to deal with natural disasters that will impede or setback conservation compliance on individual farms. H.R. 3794 would extend the conservation compliance deadline now looming before farmers by one year if their land and their conservation practices have been damaged by bad weather. Producers also could be relieved from the compliance deadline if they have received disaster assistance during three of the last five years ending this year. That puts an economic justification on variances, which I think is appropriate.

The law on producer variances needs to be clear; Congress should speak on this. The law should be clarified for variances in any future year, which means my bill will need further work. By recognizing the problems producers face in complying with conservation plans and by providing the Secretary the clear authority to extend the HEL compliance deadline, SCS and ASCS will not be forced into untenable positions of making important decisions that could make or break a producer -- as the environmental community looks over a county director's or district conservationist's shoulder. Without this clarification, I can already read the next IG report criticizing the SCS decisions on extending variances.

Thank you, Mr. Chairman.

Mr. JOHNSON of South Dakota. Mr. Baesler, do you have an opening statement?

Mr. BAESLER. No.

Mr. JOHNSON of South Dakota. Mr. Farr.

Mr. FARR. No, sir.

Mr. JOHNSON of South Dakota. Mr. Minge.

Mr. MINGE. No.

Mr. JOHNSON of South Dakota. With that, we will proceed to the first witness, who is Mr. Paul Johnson, Chief, Soil Conservation Service of the U.S. Department of Agriculture in Washington, DC. And he is accompanied by Mr. Jeffrey Vonk who is the State conservationist from Des Moines, Iowa.

Welcome Mr. Johnson and Mr. Vonk. All of your full statement is received for the record by this subcommittee and you may choose to proceed however you wish, either by summarizing your statement or by reading from the statement.

STATEMENT OF PAUL W. JOHNSON, CHIEF, SOIL CONSERVATION SERVICE, U.S. DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY JEFFREY VONK, STATE CONSERVATIONIST, DES MOINES, IA

Mr. P. JOHNSON. Thank you, Mr. Chairman, and members of the subcommittee, I appreciate the opportunity to be here today and to share with you some of my perspectives on where we are on conservation compliance in 1994. As was mentioned, Jeff Vonk, who is the State conservationist from Iowa and soon to be our Deputy Chief for Programs here at our Washington headquarters is along with me.

As you know, I began this job back in January, and over the past 6 or 7 months we have spent a great deal of time on conservation compliance, working out where we are on it and looking at ways in which we could improve it. We have worked with a number of people in the environmental community and in the agricultural community to do that.

I would like, at this time, to just share some personal observations that will parallel my written testimony.

First of all, I am very supportive of conservation compliance. I can recall 20 years ago sitting with neighboring farmers and talking about these issues and the need to put some conservation responsibility together with the commodity programs. And as you know, in 1985, we did that.

You have a copy of our 1993 conservation compliance status review called Gaining Ground. And just to summarize briefly some of the major points in there: As of the end of 1993, the Soil Conservation Service had put together 1.7 million conservation plans covering about 143 million acres of our Nation's most highly erodible crop land. This represents about 1.2 million farmers. Last year, SCS reviewed 2.5 percent of these plans, covering about 8 million acres—about 54,000 tracts of land.

The numbers that came out of that review show that about 91.7 percent of the farmers are on schedule, with their plans or were on schedule at that time. Of those, about 50 percent of them had carried out their plans, completely. Of the 8 percent that were not on schedule at the time, we concluded that about 4.7 percent should be given variances for weather conditions or hardships of one kind or another and that 3.6 percent were not actively applying their plans.

Based on that data, we believe that we will have reduced soil erosion on our most highly erodible acres from over 17 tons per acre per year—the erosion rate when we began this process—to around 6 tons per acre by the time we finish. Farmers have been achieving these results through a combination of practices. The most common is crop residue management. Also included in their plans are crop rotations, contour stripcropping, grassed waterways and grassed buffer strips, and structures such as terraces.

A number of studies over the years have taken a look at the implementation of conservation compliance and have pointed out places where they believe we need improvement. I would like to address just three or four of those at this time.

The first, and we hear it quite often, is the concern about the ability or the willingness of our field personnel to carry out responsibilities in an impartial manner. This is a new role for the Soil Conservation Service. As you know, the first 50 years we were entirely voluntary. We have been asked now to be a judge of a farmer's performance, and I don't need to tell you that it has not been an easy task.

On the other hand, I think you need to know, and I believe you do, that there is probably not a more dedicated group of conservationists in this country than our field staff in soil conservation throughout the land. And they, more than anybody, I think, feel very strongly about the need to reduce soil erosion. That has been their job, and as I travel around the country and talk with many of them, I am convinced that the vast majority of them care very deeply about this issue and are giving a great deal of their energy and their lives to reducing soil erosion and working on this program.

A very powerful indicator of that, I believe, are the numbers that were released in the 1993 status reviews. And we can argue over percentages, but I don't think that we can't deny the fact that the terrific conservation effort that has been made is having results.

We will do all that we can to continue to work with our personnel to make sure that they live up to their responsibilities on this. This issue of working with hundreds of thousands of farmers across the land is not a simple, easy, "this is right, this is wrong" issue.

They are working with hundreds of thousands of producers making dozens of decisions every day, and they do this year after year. Sometimes I think we like to assume that we can introduce conservation as we would a half dozen factories or something like that, and it is not like that. Nonetheless, I think there is terrific commitment to it, and although we don't always make perfect decisions, I feel very strongly that great progress is being made.

The second concern that has been addressed over the years is one dealing with the appeals process, and I will be very honest with you. I think it is a process that is set up to cause a great deal of tension. Grant Buntrock, the head of the Agricultural Stabilization and Conservation Service, and I have been working on this. We have had a number of conversations about it.

We have sent a letter out to all of our field personnel making sure that if any producer gets in the position of not actively applying a practice we will sit down together with that producer and lay out the responsibilities and the requirements from that point forward.

We also believe that the amendment that you put on the reorganization bill, Mr. Stenholm's amendment, will move the appeals process more closely to the local level; it is a healthy move. I think it will give us an opportunity to make decisions much more promptly and I think that, with proper oversight, it will reduce the number of the tensions.

I have asked that, in our own shop, we move more promptly on appeals, and we are doing that. We have a team working right now to try to clear the deck on appeals.

I think it is very important that we continue the education and training. We did a great deal of that when we began, but as resources become scarce, it seems that very often training and the educational process are not maintained as strongly as they should, and I think it is important that we renew that effort.

We don't do this alone. We do it with State agencies. We do it with our conservation districts. We do it with a number of groups who care about these issues. And we look forward to continuing that process.

There has been concern over the years about alternative conservation systems. As you know, we started out going to the basic conservation system and realized as we got into the process that there had to be more flexibility. Alternative systems were then established, and there has been some criticism that they need to be tightened up.

We need to take a good look at them and set some standards nationwide. I have a team working on that right now. In fact, they have just given me their first round of suggestions on how we can do that. It is important that we set standards for alternative conservation systems.

However, I want to make it very clear that we don't intend to make it impossible for farmers to farm. We recognize that there has to be flexibility, but I think that our goal and the goal of all people in this country, and that of all farmers is to continue to move in the direction of improving our conservation systems. And we intend to do that.

Over the past few weeks we have held a number of forums across the country—forums that we have entitled, "Agriculture and Environment: Listening to the Grassroots," and we have heard from a number of farmers. We have heard from environmental groups, agricultural interests, just local citizens throughout the country. And there are a number of things that come through very clearly on those. Of course, farmers would prefer a voluntary approach entirely, but I think most farmers across this country, by far the vast majority of farmers, feel that a conservation compliance program, if put together right, is an acceptable program and one that is doing a lot of good.

I would guess that 80 percent of the farmers in this country are feeling quite good about this process, and we see that as well from the results.

They are asking for more flexibility; that there not be one plan that fits all. And we are doing our best to do that and we will continue to work with farmers on that. They also want to be more involved in making decisions on the various conservation practices. And we are working with a number of groups throughout the country to do that. We have put in place, in fact it has been in place for a while and we have tried to clarify it, a chance for farmers to do on-farm experiments with conservation systems.

We run into a situation where we disagree with farmers who feel very strongly that the practice that they have been using is an acceptable one. So we put in place a process and a protocol where we will bring the research community in and work with those farmers. And I think that the more of this that we do, the more farmers will be involved in setting up these systems and in trying to make improvements.

There is a lot of good energy out there and we are doing our best to harness it in this way.

Farmers are also asking that we get back out on the land and work together with them. Conservation compliance has brought with it a great deal of paperwork and I have charged Jeff Vonk with taking a look at ways that we can reduce the paperwork and still maintain the standards and get our people out working one-on-one with farmers as best we can and with the resources that we have.

In conclusion, I believe conservation compliance has accomplished a great deal. We need to understand that it is not just a technical issue. It is not just "this is right and this is wrong." We are dealing with thousands of decisions and doing our best to get farmers excited about this conservation effort and partnering together with them to do it.

As I said, we do this together with conservation districts and with States and local interests as well. And it is very important to understand—I stress that—that no one agency can do this alone.

In spite of all these variables and pieces, I believe very strongly in the statement that I made in the first page of the "Gaining Ground" report that never before have so many farmers worked so hard and accomplished so much conservation. We have a long way to go in this immense journey, but we are well into it. We pledge to you to do all we can to carry on. Again, I thank you for this opportunity to be with you here today and Jeff and my staff and I would be happy to try to answer any questions you might have.

[The prepared statement of Mr. Johnson appears at the conclusion of the hearing.]

Mr. JOHNSON of South Dakota. Thank you, Mr. Johnson. Some people have contended that the reason for high rate of plans on schedule is that the SCS is reluctant to find producers in noncompliance. Do you have any comments on those allegations?

Mr. P. JOHNSON. I don't think any of us want to hit anybody over the head. I will be right up front and say that we will do our best to work with farmers to move them ahead on conservation.

On the other hand, I have made it very clear, and I believe my predecessor did as well, that we have a law to carry out and that we expect our people across the country to do that. I sent a letter out just recently, as we started this status review process, stating very clearly what I expected of our people across the country.

I would like to turn that question over to Mr. Vonk, too, if you would be willing, because he has been on the frontline and I think he can tell you, from Iowa at least, what has been going on.

Mr. JOHNSON of South Dakota. Mr. Vonk.

Mr. VONK. I believe that most of our people are willing to take on the challenge of looking at these compliance plans and their application in a fair and objective manner. We have worked very hard across the country to impress on our people that it is their responsibility to take an objective look at what is on the ground, evaluate that with what was called for for erosion control and then to make the honest and objective decision that, yes, the person is on schedule, or, no, that person is not on schedule.

It is not necessarily always easily determined—you can find a practice that had some damage, and then the decision comes down to an evaluation of continued progress, because our people oftentimes have lived and worked in these counties for long periods of time. They are seeing tremendous progress occur. In many cases they know farm-by-farm what existed prior to the farm bill legislation of 1985 and what existed on the day they are out there looking and evaluating that.

When if you see that a producer has installed a terrace, but that terrace was damaged in some way or was deficient, yet you know that that individual has invested his time and money and is apparently well on the road to complying with what was in the plan, it is very difficult to say because there was some damage due to a storm or because the standard was not met for that particular practice, that that person should then be called not actively applying. For that reason, we have the opportunity to use variances and have taken, I think, wise use of that opportunity in most cases.

The only other comment I would make to that issue is that each year in each State we do an extensive amount of quality control. We have people from another level of the organization go out after a status review has been conducted in the field and look at that same tract and evaluate the decisionmaking that occurred in that county on that tract. And sometimes we have disagreements. In these cases, we go back to that field office and we discuss the particulars and, in some cases, we have gone back and made a different decision than what was originally made. But this is a process that is ongoing. It will continue to be ongoing. And I feel pretty comfortable that the majority of our people are where they need to be.

Mr. JOHNSON of South Dakota. Mr. Johnson or Mr. Vonk, looking at the CRS study from last year, they at that time said—the Department has responded that enforcement will gradually increase as the deadline approaches. Enforcement data, especially in the early years, showed a high proportion of those out of compliance are concentrated in a few areas, indicating inconsistent application of review standards. Can you tell us what the Department has done to mitigate inconsistency in its review standards and whether any progress has, in fact, been made?

Mr. P. JOHNSON. We have tried experiments bringing in teams to look at that rather than have the SCS field person in that county doing that status review. We have tried to move people from one county to another to do the status reviews, and I think Mr. Vonk has tried some of that within his State and could probably respond to it.

Mr. VONK. In Iowa we have done several experiments, if you will, in portions of the State. We have had status reviews done by a team of outside individuals. We have detailed people from one county to an adjacent county to do that job and we also have had the county staff within the county conduct the status review. The results are that we don't see a whole lot of difference in the final decisionmaking in terms of the outcomes. I would refer back to the quality control aspect.

There is an extensive amount of quality control. When we get down to the end of a field season of status reviews in the State of Iowa and we find that even though producers have been found to be not active or a high percentage of producers have been found to be inactive, that is a flag for us. We want to make sure that uniform standards are being applied, which is a critical part of our quality control system.

Mr. JOHNSON of South Dakota. The chairman will abide by the 5-minute rule and ask other members of the subcommittee to do the same so that we can give everybody a fair opportunity to ask questions of the other panel.

Mr. Allard.

Mr. ALLARD. Thank you, Mr. Chairman. I appreciate the opportunity to be here and appreciate your showing up at the table to talk about Soil Conservation Service. I have a question as far as where you are headed 5 years from now. I look at what farming was like in my district and we use the Soil Conservation Service a lot in the district that I represent, and I see that there has been a lot of improvement in farming practices, particularly in the 3½ years, but since 1985, there has been a huge difference. And so my question is, we have got to this point, what do you see us doing 5 years down the road from now? What does your 5-year plan look like?

Mr. P. JOHNSON. I think that will partly depend on what Congress does with the 1995 farm bill, but what I would like to see happen—and is happening, is I believe, through the process that we are going through now—is to have us listening to farmers across the country, looking at where the tensions are in particular. I think we are going to do our best to improve on that.

I have asked that we take a look at the alternative conservation systems as well. We put a whole lot in process in a very short period of time with not a whole lot of experience when we put together those farm plans and worked on them. Since 1985, and since we began this process, there has been a lot of new technology that has come on board, and I would like very much for us to get back out and work together with farmers to continue to improve on the conservation being put on the land. So if a farmer, for example, is using some practices and we know that there is no economic reason why that farmer shouldn't continue to improve, then we would like very much to continue to work on that.

Mr. ALLARD. Thank you, and I also want to direct part of this question to wetlands. This is a new expanded function that you have. We have dryland areas that are classified as wetland areas or ponds, holding areas. Whatever we want to call them. And what is your thoughts on expanding responsibility in the wetlands area?

Mr. P. JOHNSON. We have been given the responsibility with the memorandum of agreement recently with the Fish and Wildlife Service, the Corps of Engineers, and EPA to do the wetland delineations on agricultural lands. And so we have moved ahead with trying to put together the right protocol to do that. We have had meetings with the sister agencies.

I have put together a team here in Washington to make sure that we carry out those responsibilities according to the law. A very important part of that, of course, is an educational process that has to go on, and a continuing process of looking at the science of wetlands. We intend to do that.

I have with me one of the coleaders of our wetland team, Mr. Warren Lee. He could answer specific questions on exactly where we are.

Mr. ALLARD. I have another question and I have a limited time, and obviously when the chairman abided by his own time limit, I want to be sure I do, too. You have had 3.6 percent violations; is that a correct figure?

Mr. P. JOHNSON. That is on the highly erodible lands, yes.

Mr. ALLARD. What were the problems specifically in those violations? Did you feel that you were flexible enough with the farmers? And what percentage of those did you think were willful violations?

Mr. P. JOHNSON. I would like to turn that over to Mr. Vonk since he has been doing just that.

Mr. VONK. I don't know how to respond in terms of percentage of willful versus nonwillful.

Mr. ALLARD. Were they cooperative on these violations or were these going to go out on their own and doing it on their own no matter what? Were they threatening to go out of the ag program?

Mr. VONK. Certainly, that is the trigger, if you will, if we find them to be not actively applying a compliance plan.

The folks that don't appeal generally have made that decision. In other words, if we are out there and determine that they haven't done the job for conservation, and they don't appeal that decision, then they are basically saying——

Mr. ALLARD. We are going to go on our own.

Mr. VONK. We are going to go on our own. Those that appeal may still end up doing that, but——

Mr. ALLARD. Can you give me some ideas of specific problems you ran into on noncompliance?

Mr. VONK. In many cases, people had agreed to apply practices on a schedule and did not follow that schedule and did not do anything of an equivalent nature to provide the same amount erosion control that was established in the plan. It is difficult to be specific.

Mr. ALLARD. Were the schedules flexible enough, the agreements that you signed with the producers, were they flexible enough that you could accommodate a change in condition?

Mr. VONK. Absolutely. We look more at the level of erosion control that was called for in the compliance plan than at the specific in the practices called for plan. We realize that any number of combinations of practices that can achieve a specified level erosion control.

Mr. ALLARD. My time is up. We may be getting some more questions to you in that regard. Thank you.

Mr. JOHNSON of South Dakota. Mr. Baesler.

Mr. BAESLER. Yes, I don't know whether you have had a chance to read the testimony that is coming after you or not, but some of the folks that are coming after you don't seem to agree that we are making as much progress as maybe you suggest. I happen to subscribe to what you are doing.

I think it is much more important to be more farmer-friendly than more farmer-confrontational. I don't know whether you have read the testimony coming next from the environmental group, but what are your comments on that? I won't be here to hear it after they go.

Mr. P. JOHNSON. It would be easy to say that I have not read it. I glanced at it very quickly, though, and I believe that there are probably some just criticisms in terms of our being able to document better what we have done, although I think we have done a pretty good job.

The numbers that you have here in the 1993 status review document have followed a very good scientific protocol. Maybe we don't have enough numbers, but those that we do have, I think, fairly represent what is going on across the country. I believe, in just glancing through the testimony coming up, that there was also a statement in there that great progress had been made and we certainly agree with that. Because I think I would agree with what they said about the information a little bit.

Just looking through my own home district back in Iowa, it is always hard for me to imagine that everybody does everything or nobody does nothing. So if you have a big zero, I think I would question the information a little bit. Hopefully, maybe over the next several years, it will be better and you will have better documentation as to who does what and who is penalized for not doing what.

I think the biggest problem in the farm community is that those of us farmers who do comply end up paying, yet there is no penalty for those who do not comply. I would hope that over the next several years that the information would be more easily obtained by those interested.

Mr. P. JOHNSON. I think you are right. And I certainly agree with you based on my experience in farming that farmers are not happy with those who are not living up on their responsibility and so it is not the whole farming community against somebody else. It is most people in the farmer community care very deeply about these issues and want all of us to be as responsible as we can.

Mr. BAESLER. I would like to get a plug in for ours because I do think they are trying to enforce it. Thank you. It is working fairly well.

Mr. PENNY. Thank you, Mr. Baesler.

Mr. Smith.

Mr. SMITH of Michigan. Thank you, Mr. Chairman. A couple of questions. One that regards a bill I introduced and I just haven't had the occasion to get your reaction. That bill says that an area, a wetland area less than 1 acre in size otherwise in a tillable field would not be considered—would not be subject to the penalties of draining or otherwise cultivating and cropping that wetland.

Do you have a feel on that? What we have run up against in our counties is farmers that come to a very small area that is growing the reeds and technically is a wetland now are being turned in and being forced to pay the penalties or be subject to give back their farm program payments. Do you have a reaction to somehow making that rule more reasonable?

Mr. P. JOHNSON. I would rather not get into the specifics of your bill. That is a policy and I don't think I should step out on a limb, but I would say that I believe—and am sure the environmental community and the agricultural community feels very strongly—that we ought to apply good science to this. Wetlands are an issue that we have a lot to learn about yet. And I think I would certainly be in favor of applying good science to the issue. And sometimes perhaps 1 acre is a very significant wetland and in other cases——

Mr. SMITH of Michigan. In the parameters of a tillable field? I guess I wouldn't accept that conclusion and if that is your analysis of good science, then hopefully——

Mr. P. JOHNSON. Well, we certainly are looking at ways to do mitigation on this and if possible to be able to move things, and, in fact, move wetlands, although, again, I would stress the need for good science on it. I know what you are talking about because I have a couple of similar wet spots on my own farm, and it is frustrating. But I believe we are in a somewhat exciting process of trying to understand.

Mr. SMITH of Michigan. Let me ask you maybe a different question. Let's assume for a moment that the farm bill that is going to be passed next year is much leaner and we are going to be spending much less money on the feed grain programs, on target prices, et cetera. Generally, the encouragement to farmers to carry out some of the good conservation practices has been their cross-compliance, if you will, their participation in the feed grain programs requiring them to conduct and maintain certain conservation practices.

If the farm program payments are—if we take away enough of the advantages of participation in the feed grain programs and other ASCS programs, what would you recommend as some ways that we should encourage farmers to continue some of the conservation practices that have been encouraged because of the participation in the feed grain programs and other ASCS programs.

Mr. P. JOHNSON. First of all, I hope that your scenario does not come true. I think we need to understand, or at least I feel very strongly, that a major shift has taken place in the agricultural community in the past 10 years, and if conservation compliance stopped today, I don't think farmers would wholesale go out and return to where they were 10 years ago.

I believe great progress has been made. I believe most farmers feel very strongly about good care of the land. I feel that the new technologies that have come on board in the last 10 years will continue to move us in a more positive direction.

Beyond that, if we do have less money, I would certainly argue for targeting it better than perhaps we are now.

Mr. SMITH of Michigan. The direction of my question is would you suggest any other encouragement for farmers to continue some of the conservation practices that in the short run are not always economically—an economic advantage?

Mr. P. JOHNSON. Well, we would certainly encourage them in the way that we have over the past 60 years, and probably with a renewed effort to do that.

Mr. SMITH of Michigan. No, I am saying the way that we have encouraged them not to plow up that wetland in the middle of that field is because they would be ineligible for the ASCS feed grain programs. If that is no longer an attraction, do you think we should do something so that they don't plow up that wetland in the middle of the field that you say often are quite valuable.

Mr. P. JOHNSON. Certainly some wetlands are under the regulation of the EPA and the 404.

Mr. SMITH of Michigan. Most of it is agriculturally exempt was my understanding of it.

Mr. P. JOHNSON. Are you asking if I would propose new regulations?

Mr. SMITH of Michigan. I think new regulations or otherwise other encouragements to not plow up that wetland. I am just using wetlands as one of the many conservation practices that we have encouraged.

Mr. P. JOHNSON. As I said, wetlands are an issue that really need a lot more attention in this country and a lot more education and a lot more understanding. I have found in my own State that 10 years ago a wetland was a swamp that we wanted to get rid of.

Today, I don't believe that is true because I think we have learned a great deal more about them and I think farmers are much more responsible in terms of trying to protect them.

Mr. SMITH of Michigan. I am disappointed that I can't get an answer out of you. Thank you, Mr. Chairman.

Mr. JOHNSON of South Dakota. Mr. Pomeroy.

Mr. POMEROY. No questions.

Mr. JOHNSON of South Dakota. Mr. Penny.

Mr. PENNY. Before I rush to vote, let me just ask about the CRP and how over the last several years the CRP has been sort of assimilated into the conservation efforts and how it has contributed to the compliance with the law, and also what you anticipate to be your situation as many of these CRP acres come out of the CRP program in the next 3 to 4 years.

Mr. P. JOHNSON. Well, CRP certainly has been an important component in reducing erosion on highly erodible lands. Probably half of the gains that we have made in the past 10 years on soil erosion have come about because of the CRP and we are not sure what the next generation of CRP would be. I think it is very important that as land does come out of CRP contracts, we work together with farmers to perhaps maintain grass buffer strips, field borders, and things like that.

Mr. PENNY [assuming chair]. In the conservation plans, have you anticipated how you would protect those same acres if they were not in the CRP? Is that part of the plan?

Mr. P. JOHNSON. As land comes out——

Mr. PENNY. Do you do this only as the land comes out because while it is in it is already in compliance.

Mr. P. JOHNSON. That is right.

Mr. PENNY. So you will have to adjust these plans as the acres come out.

Mr. P. JOHNSON. That is right. And, for us, that means lot of new plans to do.

Mr. JOHNSON of South Dakota [resuming chair]. I thank the gentleman from Minnesota for his assistance in helping to expedite the hearing.

Mr. Farr.

Mr. FARR. Thank you very much. I have a couple of questions. Mr. Johnson, we appreciate you coming and testifying today. Turning to the CRP and SCS programs, to what extent has the land retirement through the CRP program played a role in the reduction of soil conservation and wetland conversion versus the 1.7 million conservation compliance plans that have been developed by the SCS?

Mr. P. JOHNSON. It has played a very large role, and as I said, probably at least half of the soil erosion control that we have had on highly erodible lands has come about because of those 36 million acres in CRP.

Mr. FARR. About half?

Mr. P. JOHNSON. I think half, if I recall.

Mr. FARR. Of the 1.7 million compliance plans that have been developed you said that 92 percent of the plans have been reviewed. What percentage of the total plans?

Mr. P. JOHNSON. I believe what I said, or certainly meant to say, was that 2.5 percent of all of the plans were reviewed in 1993 and that for 91.7 percent of those plans the farmers were on schedule. But only 2.5 percent of all of the plans or about, I think, 58,000 tracts were reviewed in 1993.

Mr. FARR. Is that what the schedule is? Are you on target with that schedule, 2.5 percent per year?

Mr. P. JOHNSON. We are doing our best to get a good snapshot of where we are each year. And we believe that that range within about 2.5 percent is——

Mr. FARR. Is that a sampling process?

Mr. P. JOHNSON. Yes, it is and it is a stratified random sample.

Mr. FARR. What is the current SCS budget dedicated to the delineation of wetlands?

Mr. P. JOHNSON. I believe that we are looking at an additional $15 million next year as part of our conservation operations.

Mr. FARR. And how much of the total or percentage of the total do you think that is?

Mr. P. JOHNSON. If we are going to effectively do the job, as we step out now with the new agreement, Mr. Lee says that up to one-fourth of our conservation operations budget will be directed toward wetlands. Again, that is if we crank it up and do what we feel we have been asked to do. It is quite a task.

Mr. FARR. Following up, what extent is the lack of funds slowing or hampering the activities in the field?

Mr. P. JOHNSON. I think for quite a while now we have been fairly short on resources to carry out our responsibilities as best we can in the field. And I think that has been true of the conservation compliance. We have a number of other areas, such as grazing lands conservation and range management that we have had to hold back on, and wetlands are certainly part of that.

Our people are working very hard. We are going to do our best to see if we can't work more efficiently, but some recent studies that have been done of our field personnel show that there is a fair amount of strain out there right now because they do have quite a responsibility to carry out and the resources are not there.

Mr. FARR. Perhaps, Mr. Chairman, we could get the figures. If, indeed, the program is working well and it is something that we ought to have as part of our national policy, perhaps we need to ratchet up some funding in this area.

Mr. JOHNSON of South Dakota. I think the gentleman makes a good point that there are a lot of well-motivated programs here, but they do have to be funded.

Mr. FARR. One of the last comments I have, I am just curious that it seems like the incentives here are totally those that are in the commodity support program. What do you do about those that are not in the program? How do you entice them to essentially use these best management practices when they are not receiving commodity support?

Is there a strategy to work with local—I know in California we have a lot of land use laws that are developed by the counties and by the State that essentially require above and beyond what the national minimum—Federal minimums are. I don't know about the rest of the United States. Are there programs——

Mr. P. JOHNSON. We certainly have some financial incentives. The agricultrual conservation program, the water quality improvement program, and a number of programs that we have had over the years do this. I should state, as well, and I believe I did earlier, but I want to make it very clear, that we don't do this alone. We are working in partnership with State agencies and in partnership with our conservation districts which are located throughout the country. Wherever we are, there are conservation districts. And so, putting all those pieces together, we are trying to work with all producers and all landowners. But there are some incentive programs, although they are taking a beating in this next round in the budgets, as well.

Mr. FARR. Thank you. No further questions.

Mr. JOHNSON of South Dakota. Following up just a bit on Mr. Farr's comments, roughly three-quarters of the plans rely on some form of residue management for erosion control, but many of the remaining lands require more expensive conservation techniques such as contouring, terracing, grass waterways, efforts that are far more expensive and more labor-intensive as well in terms of implementing those kinds of erosion control techniques.

How confident are you that you have the personnel and that the matching moneys are available to, in fact, complete conservation plans effectively on these more difficult lands in a timely fashion?

Mr. P. JOHNSON. There is no question but that we have a number of hot spots around the country, very difficult lands to get good conservation on. And I will be very frank with you. I don't think we have all the resources we need, although I think a great deal has been done in the past 10 years. But there are areas where if farmers are going to utilize the farm programs, and in many cases that is the way they are eking out a living, it is very difficult to get good conservation on those lands.

As I say, we have come a long way in the last 10 years. I think it is important that we continue to focus research on the difficult areas. I don't think we have done enough of that in the past. A lot has been done in the last 10 years. But I think research is needed, and I believe very strongly that, as a society, we are going to have to come to grips with this and to try to get the resources out there to put sustainable systems on all farmland across the country.

Mr. JOHNSON of South Dakota. Do you have any sense about how much money is needed if we are truly going to meet 100 percent compliance by 1995, given the need for matching funds for these kinds of physical structures and changes?

Mr. P. JOHNSON. I think that we can continue on with the process that we now have and that we can reach a very high level of conservation compliance. The question is whether or not the systems that are in place are as good as they could be. And I would argue that we should continue to put together the tools that are necessary so that we get better systems in place where they aren't right now.

I want to make it very clear that, even where the systems are not as good as we think they ought to be over the long haul, they are a lot better than they were 10 years ago.

Mr. JOHNSON of South Dakota. Do you see it as a conflicting role that SCS personnel have in providing technical assistance to producers and then serving also as the compliance officer to ensure that the producer was carrying out the plan that he and the producer helped put together? Is that a dilemma? If it is, is there anything they can do administratively to mitigate the problem?

Mr. P. JOHNSON. I believe it is a conflicting role, but I don't think it is one that is insurmountable. I think I mentioned that we are looking that way. We have talked with farmers across the country to figure out ways in which we can lessen the tension. We have other examples of this in our society. The State highway patrol, for example, they have to judge performance and at the same time I think they are viewed by most people in society as people who are helpers. And I believe we can work through the system with our Soil Conservation Service. And we are seeing it happening.

We have some very good relationships developed out there. I think, again, it has to be done together with our partnerships in the conservation districts, and the State agencies also play a very important role in that.

Mr. JOHNSON of South Dakota. Are there any additional questions from members of the subcommittee?

Mr. Minge.

Mr. MINGE. I appreciate your being here, Mr. Johnson and Mr. Vonk.

We have had a fair amount of friction as you have just observed, the highway patrol analogy, between the farmers and the SCS office on definitions and implementation of programs. And I think that there are two areas where we have had particular friction and one is just the process, and a number of agencies involved in the process. And could you just quickly state how long it will be if we don't already have, essentially, one form with the SCS office making these determinations on behalf of other agencies like the Army Corps of Engineers, Fish and Wildlife, and other Federal agencies?

Mr. P. JOHNSON. I think we have made great progress within the last 7 or 8 months since this administration's memorandum of agreement on wetlands. For the first time we have said that farmers should not be bounced back and forth among many agencies. And I believe there is a very good constructive process going on right now to get the agencies in line so that, in the case of agricultural lands, the Soil Conservation Service will be out in front on the wetlands issue. I believe that is what you are referring to.

Mr. MINGE. Are we at that point now on the wetlands issue where if a farmer comes in and asks for a permit, that that permit and that contact with your office will make it unnecessary for the farmer to go to the Army Corps of Engineers or other offices to deal with this same issue?

Mr. P. JOHNSON. Our responsibility at this point is to delineate and determine wetlands to let the farmer know that he has a wetland or not. We are not doing permitting within the Soil Conservation Service.

Mr. MINGE. Is there any effort to move to the permitting stage so that we would also have a one-stop shop with respect to permitting?

Mr. P. JOHNSON. I think that is something that you all are going to have to work out in the future. Right now we have a terrific job getting out there and saying that these are wetlands and making sure that farmers know that they are wetlands and that they know what the responsibilities are. At this stage, as I say, we are 6 months into this memorandum right now.

Mr. MINGE. Is it your understanding that it would take further congressional action in order to have the permitting done on a one-stop shop basis.

Mr. P. JOHNSON. I am not sure. Yes, it is, I guess.

Mr. MINGE. The second area of concern has to do with something that is fairly specific, the size of outlets. What I have observed in my area, which is part of the old prairie pothole region is that tielines were put in 80 years ago, 90 years ago. Those tielines served a situation that existed at that time.

Over the 80 or 90 years, construction of roads and other things have happened so that the drainage practices in the section or in the township have altered and that farmer's tieline simply cannot handle the other water that is coming on to his land from other land. And the outlet particularly may be undersized so that the farmer is simply trying to maintain the drainage that he has had on his land, and maintain that tieline, but he is being told that any change in the size of the tieline will possibly drain wetlands and he is being denied a permit. I am wondering if there is any solution to this farmed wetland where there is a long cropping history and farmers are finding that tielines that are breaking down can't be properly replaced with a tieline that simply allows them to continue their farming operation?

Mr. P. JOHNSON. I wish I could give specific answers on these things, but I think I would go back to my answer that for the first time ever agencies are coming together to try to deal with these. And I have asked, in fact, our wetlands team to pull together a meeting up in the North Central part of the United States where a number of these are real tough issues and pull together the Environmental Protection Agency, EPA, the Corps, and us, and producers and a number of good scientists to take a look at these issues and see where we need to continue to work through them.

As I said, we are at the beginning stages of trying to work through the wetlands issues. And we are going to do our best to try to work through them with good science.

Mr. JOHNSON of South Dakota. If the chairman may interject, in all fairness to Mr. Johnson, the hearing is designed to focus on conservation compliance rather than on wetlands issues, although the wetlands issue is one that causes a great deal of concern in many of our districts.

It is something that I think this subcommittee needs to spend more time on and work with Mr. Johnson in that regard, but the Chair understands that Mr. Johnson did not come prepared to deal with that issue specifically at this hearing.

Mr. MINGE. Well, thank you. I appreciate your comments.

Mr. P. JOHNSON. We will continue to work with you.

Mr. JOHNSON of South Dakota. Mr. Gunderson.

Mr. GUNDERSON. I apologize for being late. We are doing markup in another committee, but I have quickly reviewed your testimony. The bigger question that I think we struggle with, Mr. Johnson, as we look toward the 1995 farm bill, is if we are likely to see further budget cuts and reduced commodity support, do we not put our conservation compliance requirements at a major risk?

Where is the Department on this as you are developing your recommendations? I am very concerned that more and more farmers are going to say that for the requirements you are giving me as a criteria for a very reduced benefit, the cost/benefit ratio is exceedingly high and, as a result, they are going to chuck these programs and we are going to lose ground in the next 5 years. How do you read this in terms of your policy formation?

Mr. P. JOHNSON. As you may know, the Secretary has put together a group within the Department to try to scope these issues out and there is a team working on the conservation provisions of it. I am not sure exactly where they are on that right now or I am not sure I could give you specifics on where they are on that right now. But as I mentioned earlier, there is a risk, certainly of our not continuing to move forward in the way that we ought to on this if we lose some of the good programs that are in place right now or if we step back on them.

On the other hand, again, my reading out on the land—and I am close to your district, Mr. Gunderson—is that there is some tension. There is also some good feeling about this good conservation that has gone on the land.

I drove through a county across the river from you just this spring, and I could not believe the change that had occurred on that land in the past 10 years. It was hard to find a field—and this is very rolling country—that did not have real good residue management, and I look at every field now as I drive across the country.

So I think in answer is that we can continue to really move forward if we have the pieces in place to do so, but also that we have had a significant change in attitude in the country. And I am not sure farmers are going to step way, way back. There is always this issue of how far out you set the flag and how much effort can we make here. And I would hope as a nation we continue to commit ourselves to dealing with conservation on private lands in the country because I think we are so close now to really putting together a program and a story and a picture on the land that will make our children and our grandchildren be proud of us.

Mr. GUNDERSON. Thank you.

Mr. JOHNSON of South Dakota. I believe the gentleman from North Dakota did have a question.

Mr. POMEROY. I passed earlier. Thank you, Mr. Chairman.

My favorite story about regulation is demonstrated by the analogy of the fellow who didn't go to school. His mother, who comes in his room and says, why didn't you go to school? He says, two reasons. One, the kids don't like me, and two, the teachers don't like me. And the mother said that is no reason, get over there. And he said, give me two reasons why I should. One, the mother said you are 42 years old and, two, you are the principal.

In North Dakota I haven't heard anybody tell me that you are too lenient. The SCS is a patsy; the SCS is not making the business of farming difficult from a regulatory burden standpoint. In fact, I am mildly surprised to see that you don't have horns on as you sit at the witness table this morning.

While I read your testimony, with interest, I am even more interested in the testimony that we are about to receive from Mr. Cook, who writes, "SCS is an agency that has great difficulty telling the truth about what it does and how it does it. This is not true of everyone in the agency, but it is the prevailing circumstance. Within SCS independent critical appraisal of agency performance and behavior has long been discouraged if not penalized." And that is a very strong statement. And I think that you are entitled to the opportunity to directly respond to it and I would like you to at this time.

Mr. P. JOHNSON. I don't agree at all with that statement. I think in any agency you can find people who, for one reason or another, don't want to tell the whole story. And our agency certainly is not immune from that.

On the other hand, I have made it very clear to all of our people that I want the truth, no matter how tough it is, and I think we are getting the truth. Everything is not rosy. I have tried to point that out to you; that we have shortcomings and we need to continue to work on them. But again I will stand by my statement that we have thousands of good people across this country who care very deeply about the land, and care very deeply about these conservation issues, and are doing their very best to try to work together with the landowner to get conservation on the land. And I will stand by my statement again that never in our history has so much good conservation gone on on the land as it has in the past 10 years. That does not mean that we don't have a lot of improvements to make.

And I am committed and our agency is committed to continuing to work with everybody across the community, environmental community, agricultural community, whatever, to make sure that we continue on this journey. We care a great deal about these issues. The last thing in the world we want is to see any grain of soil end up in a river or a stream. I commit our agency to continue to work on it.

Mr. POMEROY. Thank you.

Mr. JOHNSON of South Dakota. Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Chairman. I'm looking for a clarification. I think I have the answer, but I want to make sure. We have a problem, again, up in our country with scab and vomitoxin. People say deep plowing and burying the residue will help. But, that is in violation of some people's conservation plans. Apparently producers can apply for a variance and that is given at the State level. And it's my understanding there should be no problem if they can prove they have trouble with scab and/or vomitoxin. Is that—correct?

Mr. P. JOHNSON. Yes, you are reading that correctly. We do allow for variance under situations like this. The State conservationists can give that.

Mr. PETERSON. Has my observation that you have some very good folks in some areas that have really facilitated solutions to some of these problems like wetlands. But you also have some people that need some sensitivity training or something. I'm not exactly sure what they need. But, literally in one county you can have the whole thing worked out, and in the next county it is a hornet's nest. It really has to do with the folks that are involved not just your agency, but Fish and Wildlife and all the other people that are involved. But by and large, I think you are doing a good job and I agree with your assessment that we have made a lot of progress.

Mr. P. JOHNSON. Thank you. I mentioned that training is a very important part of this and we recognize that.

Mr. PETERSON. Thank you, Mr. Chairman.

Mr. JOHNSON of South Dakota. Mr. Barlow.

Mr. BARLOW. No questions.

Mr. JOHNSON of South Dakota. Are there any additional questions from the Members of the subcommittee? If not, thank you Mr. Johnson and Mr. Vonk. We appreciate your contributions. It is very helpful in our deliberations and our runup to the 1995 farm bill.

The last panel consists of Mr. Kenneth Cook, president of the Environmental Working Group from Washington, DC, and he is accompanied by Mr. Andrew Art, senior analyst, Environmental Working Group in Washington; Mr. Ross Hansen, vice president, National Association of Wheat Growers, Genoa, Colorado, on behalf of the National Association of Wheat Growers, the National Cotton Council, the U.S. Rice Producers Group, the National Corn Growers Association, the National Barley Growers Association, and the American Soybean Association; Mr. Allen Richard, legislative representative, the National Farmers Union, Mr. Earnest Shea, executive vice president, National Association of Conservation Districts and Mr. H. Montee Wynn, junior counsel fish and wildlife resources division of the National Wildlife Federation here in Washington.

Welcome to all of you gentlemen.

Mr. ALLARD. Mr. Chairman. I just wanted to personally welcome Mr. Ross Hansen to the panel. He is from my district in Colorado. I appreciate that. Thank you.

Mr. JOHNSON of South Dakota. We welcome all of you, gentlemen, and appreciate your taking the time to shed some light and some insights on a very difficult but important issue that this subcommittee has jurisdiction over.

And as with Mr. Johnson, we would invite you each to summarize your statements however you are most comfortable proceeding. Your entire statement, however, is received for the record by the subcommittee.

And we will begin with Mr. Cook.

STATEMENT OF KENNETH A. COOK, PRESIDENT, ENVIRONMENTAL WORKING GROUP, ALSO ON BEHALF OF MAUREEN K. HINKLE, DIRECTOR, AGRICULTURAL POLICY, NATIONAL AUDUBON SOCIETY

Mr. COOK. Mr. Chairman, thank you very much for the opportunity to testify today. I was to have been joined by my colleague, Mr. Andrew Art, in the Environmental Working Group. He is under the weather so he was not able to come along. He did a lot of analysis in the report and if there are any errors, of course, they are his fault. And I also represent Maureen Hinkle from the National Audubon Society.

I want to summarize what we say in this testimony. There are two parts to it: One, the testimony itself, and two, an addendum where we attempt to provide members of the subcommittee with some basic information by congressional district about conservation compliance implementation. We don't provide all of the information that we have in our data base, but we tried to provide what we thought would shed some light on what the trends have been since 1991, with implementation of the law, and we also tried to provide some information about ASCS action with regard to benefit denial for conservation compliance and also information from the 1993 status reviews, which we are just for the first time publishing today.

I want to make basically three points from my testimony this morning to summarize it. First of all, there is a great deal of information we don't have about conservation compliance. I go to some length to describe why that is. I do think that the agency, SCS, in particular, has had difficulty in telling the truth over the years. That has begun to change, I am pleased to say, and as we point out in the testimony, I think the agency is much closer now than it was in the early nineties to at least acknowledging that everything is not rosy.

I can't tell you how many meetings we had with the top staff in the Soil Conservation Service asking them for any indication, any data whatsoever to document their claims that everything was going perfectly well with the implementation of a program that encompassed over 140 million acres, and 1.7 million conservation plans. If it was all going so well, we asked, how much is erosion being reduced? On how many acres do we have conservation tillage or how many acres do we have conservation measures such as terraces installed on?

Fairly rudimentary questions, especially when you consider the fact that by the end of 1994 taxpayers will have spent $1.77 billion on the implementation of conservation compliance just in SCS alone, which comes out to over $1,000 a plan. After spending that much money why don't we have any detailed information about what is going on until 1993, an effort that really began at the end of 1992 to collect basic information.

And there are a couple of answers. One is the nature of the agency itself and the problems it has had making adjustments to an era where they are not just operating on an voluntary basis. And we were repeatedly told because of Senator Dole's amendment, limiting the number of studies that the agency could do, that the Department, in fact, was not going to implement major evaluation of the conservation title that this committee and the Congress mandated. They weren't going to do it. So as a result, that study does not exist. It is not going to be submitted.

The second point I would make, what is our appraisal of the overall situation? As we mention on page 5, we really think there has been significant progress. We have been saying that since we began testifying and writing about this issue. Hundreds of thousands of farmers have not only met conservation compliance requirements, they have exceeded them. We have pointed that out time and again. But because we also point to problems and have been critical of the agency, along with the Inspector General and the Soil and Water Conservation Society, we feel compelled again to point out those problems again today.

We would make a couple of brief points about the testimony. The first one is enforcement has been very uneven. If you will look at maps 1 and 2, we present summary information on those maps. That is at the back of my testimony. I am sorry it is not laid out as conveniently as I would have liked.

In map 1, you see the frequency of status reviews. On the next adjoining map you see the frequency of noncompliance, pretty significant areas of the country where there has been heavy status reviews and we found noncompliance, other parts of the country where there has been heavy status reviews and no one has been found out of compliance. Sixty percent of the counties where we did status reviews haven't found a single person out of compliance. A single plan. I am out of time so I am going to leave it at that, but I would be happy to respond to any questions or additional requests for information that the committee may have.

[The prepared statement of Mr. Cook appears at the conclusion of the hearing.]

Mr. JOHNSON of South Dakota. Thank you, Mr. Cook. We will turn next to Mr. Hansen.

STATEMENT OF ROSS HANSEN, VICE PRESIDENT, NATIONAL ASSOCIATION OF WHEAT GROWERS, ON BEHALF OF THE NATIONAL ASSOCIATION OF WHEAT GROWERS, THE NATIONAL COTTON COUNCIL; THE U.S. RICE PRODUCERS GROUP; THE NATIONAL CORN GROWERS ASSOCIATION; THE NATIONAL BARLEY GROWERS ASSOCIATION; AND THE AMERICAN SOYBEAN ASSOCIATION

Mr. HANSEN. Mr. Chairman, my name is Ross Hansen and I am vice president of the National Association of Wheat Growers. I am a wheat grower from Genoa, Colorado, and I am speaking today on behalf of the National Association of Wheat Growers; the American Soybean Association; the National Barley Growers Association; the National Corn Growers Association; the National Cotton Council; and the U.S. Rice Producers Group.

As the year-end deadline for full implementation of conservation compliance plans draws near, I think it is appropriate to credit the Nation's farmers for their conservation achievements. Over the past decade, farmers have worked hard to carry out the conservation compliance mandate established in the 1985 farm law, and significant and measurable achievements, as documented by the Soil Conservation Service, have resulted from implementation of conservation tillage and other erosion reduction practices. But as we examine where conservation programs should go in the future, it must also be recognized that farmers have independently improved their conservation practices as new technologies have been developed, tested, and demonstrated.

Conservation tillage technologies are not a product of the farm bill; adoption of conservation tillage was well underway before 1985, as an important means of protecting the natural resource base.

Conservation progress will continue after December 31, 1994, and will evolve most effectively if SCS seeks to build partnerships with producers based on technical assistance and education. As partners in conservation, SCS field technicians are uniquely qualified to advise and consult with producers in improving their farming practices and undertaking special conservation projects.

Our organizations hope that the administrative burdens of enforcing conservation compliance will not prevent SCS technicians from cooperating with producers in developing long-term resource management strategies.

The requirement for compliance documentation has also led to regimentation of allowable practices and has made adoption of new innovative practices within conservation plans difficult. Future SCS programs should focus on accelerating technology transfer by revitalizing the knowledge base of conservation professionals who assist farmers in long-term resource management planning.

With fewer resources available to the agency for administering conservation programs, it is essential that they be used more effectively. The need for documentation of compliance has consumed SCS resources which could be redirected more effectively toward providing technical assistance and education and providing outreach to those who need special assistance. Regimentation of practices has also made it more difficult to control disease and pest problems resulting from higher residue levels on field surfaces.

SCS has not adequately recognized this serious threat to crops and has failed to respond aggressively in allowing necessary modifications to practices which would break pest cycles. For example, in the upper Great Plains States of Minnesota, North and South Dakota, wheat scab is a serious threat to large portions of the wheat crop.

For the second year in a row, over half of the crop in Minnesota is infected with scab, reducing yields by 30 percent and reducing the value of harvested crop by at least 25 percent. No effective crop protection products are available to control the disease, and there are no resistant wheat varieties which could prevent a continuing threat to the wheat crop next year.

The scab infestation is attributable in large part to crop residue, which allows spore loads to carry over from one season to the next, in combination with moist conditions which promote growth of the fungus. Residue management alternatives must be sought in order to prevent recurring outbreaks of scab.

Similarly, in the Pacific Northwest, wheat residue required by conservation plans has promoted a serious outbreak of Hessian fly. The residue protects the insect from winterkill, and encourages a population explosion over the next season. With each succeeding crop, variances for practices which can reduce the fly populations must be worked out with SCS conservationists. But stabilizing the problem will come at a high cost to wheat growers. Hessian fly can completely destroy a wheat crop.

The same is true of weed populations which threaten crop quality and yields. Undesirable grasses such as cheat, rye, and jointed goatgrass, which have traditionally been controlled by cultivation techniques, occur with much greater frequency and density in wheat produced in high levels of residue. Herbicides must be used frequently, accelerating resistance and limiting effectiveness over time.

These pest management problems illustrate the need for SCS to cooperate with producers in taking early and aggressive action to solve production problems resulting from conservation compliance requirements. There is a great need to allow flexibility in modifying practices as necessary to protect crops from disease and other pest problems. And there is also a growing need for research to solve new pest problems created and amplified by conservation tillage.

It is important that producers, in general, have adequate flexibility in implementing conservation systems which meet compliance requirements. Alternative conservation systems which address specific erosion problems and are specific to the farm site are essential to the success of conservation compliance and acceptance by producers.

Any rigid standard such as the T-value is unworkable as an enforceable standard and would be opposed by our organizations.

We encourage SCS to create new mechanisms for constructive participation by producers in ensuring that conservation systems serve their needs and at the same time meet conservation objectives.

As my time has run out, thank you very much for taking our views into consideration. I will be pleased to answer any questions. Thank you.

[The prepared statement of Mr. Hansen appears at the conclusion of the hearing.]

Mr. JOHNSON of South Dakota. Thank you, Mr. Hansen, and we now turn to Mr. Richard.

STATEMENT OF ALLEN RICHARD, LEGISLATIVE REPRESENTATIVE, NATIONAL FARMERS UNION

Mr. RICHARD. Thank you, Mr. Chairman. I am Allen Richard, a legislative representative with the National Farmers Union. First of all, I would like to say that Farmers Union would tend to agree with much of what the gentleman from the wheat producers has said with regard to the problems in flexibility in applying certain measures across the country.

The changes in climates and different kinds of crops farmers have some difficulty in various areas of the country in complying with something that seems to be, in many cases, a one-size-fits-all attempt at conservation. We don't dislike the overall objective. We do feel that there has been some flexibility along those lines.

First of all, I would like to point out a couple of things I think Mr. Johnson also mentioned. Ninety-two percent of the participants in the plans were pretty much on target according to SCS figures. One of the problems that we have seen, and I am surprised Mr. Cook didn't allude to, is this: What percentage of total farms are not participating in farm programs. One of the problems we have to look at is how to bring these people in, or how to entice them into participating in farm programs and becoming part of the conservation compliance situation.

NFU would like to work toward those kinds of enticements and I will give some suggestions in a moment.

What I would like to talk about, Mr. Chairman, and members, is something Mr. Pomeroy alluded to in talking to Mr. Johnson earlier and that is that there is not the view that SCS is the patsy in dealing with farmers on a lot of things. I don't know how much you watch David Letterman, but on his show he has this list of the top 10 reasons for certain things.

I am going to limit it to fewer than that and say that there are a number of ways that you know you are going to have a bad day, whether you are a businessman, a farmer, a politician, or lobbyist. One of the ways is that when you get up in the morning and you see a "60 Minutes" camera crew on your lawn. Another way is when you open up your mail and the first notice you get is that you are going to be audited by the IRS. If you are a farmer you have an additional indicator, the way you know you are going to have a bad day is when you get a notice that you are in violation of conservation compliance provisions. That can ruin your whole day, not to mention your life. Here are a couple of examples.

In Mr. Minge's district several years ago when I was working up there, there was a farmer that contacted me with regard to the fact that he had been denied participation in the farm program payments because at the end of the soybean seeding season his planter broke down and he had a neighbor come in with a different size planter and finish his last 10 acres.

The neighbor was not quite as well versed as to the layout of the farmer's land and inadvertently dropped soybean seeds on two-tenths of an acre of wetlands. The farmer was then denied his full payments and was not allowed to participate in CCC loans. He finally got the money back, but the increased cost of other financing and the cost of the appeals and all the rest of it cost him about $50,000.

That is overkill, we think, for things like two-tenths of an acre. We think that there needs to be some flexibility in the penalty process that SCS is forced to use at this point.

Another farmer subleased some land to a producer who was going to grow carrots on the land. In order to be in conservation compliance at the end of the season he was told by SCS that he had to seed rye on the land. It was a late season. The carrots came out very late. Immediately after they were removed from the field and before he could seed the rye, they got a heavy snowfall.

The snow stayed so long that he was unable to seed rye that fall. He was found to be out of compliance and is now out of business. As a matter of fact his entire farm is now owned by a group of German investors.

I don't think that that benefits agriculture. It didn't benefit the farmer and I don't think it benefits conservation or the environment in the long run.

We need to look at some changes. As far as penalties, we use the old cliche that the penalty should fit the crime. Right now we have the same penalty being applied for a wide range of violations. The current situation is like giving a person who commits murder the same penalty as someone who happens to run over a gopher with his car on the highway. There is little allowance for the severity of the infraction. Penalties need to be in a broader range and graduated. The same applies to the graduated reduction in payments. It penalizes the smaller operator. It hits him harder than the larger operator. We have to make changes here as well.

I also want to mention the limitation on good faith variances for people who have been in violation and are granted good faith variances; a 5-year and a 10-year situation before another variance can be granted and too long and too rigid.

I farmed in northern North Dakota where we had a 10-year drought cycle. I know that problems in conservation compliance can occur year after year due to factors totally out of the farmer's control.

Farmers who are not in conservation compliance, and farmers who are not participating in farm programs need to be enticed somehow into participating. They need to be offered ways in which part of their farm can be gradually brought in. They can look at other methods of participating after land change. These are all listed in my written remarks and I will answer any questions on them. This is the kind of flexibility we need to look at here. Thank you very much.

[The prepared statement of Mr. Richard appears at the conclusion of the hearing.]

Mr. JOHNSON of South Dakota. Thank you, Mr. Richard. We turn now to Mr. Shea.

STATEMENT OF ERNEST SHEA, EXECUTIVE VICE PRESIDENT, NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS

Mr. SHEA. Thank you very much, Mr. Chairman. My name is Ernie Shea. I am the executive vice president of the National Association of Conservation Districts and we, too, appreciate the opportunity to be here today to share our views on compliance. I will highlight my testimony since it is inserted for the record.

As you may know, conservation districts are local special purpose units of government and we work side by side with State and Federal agencies in implementing a wide cross-section of natural resource management programs and with regard to conservation compliance we worked directly with SCS and ASCS over the past 10 years implementing the programs.

We not only have played an active role in developing a significant number of the conservation plans that have been required under compliance, but we have also had responsibility for approving the plans that are developed. Our local district boards, so to speak, review and pass judgment over the quality of the plans.

I don't think anyone would dispute the fact that compliance resulted in a new way of doing business, not just for farmers, but also for natural resource management agencies. It has fundamentally changed how we go about our business and it has been a difficult adjustment because of the magnitude of the change, but our sense is that the changes have been positive.

We are working through the difficulties and we are going to emerge stronger and more effective as a result of that. For the past 9 years we have made compliance our No. 1 priority and we have faced a number of challenges that I have outlined in my testimony. But when you consider all of the challenges and take a look at the bottom line, we are very pleased with the progress that we have been able to make up to this point.

Everything is not perfect, but for the most part we have accomplished more, perhaps, than we thought we would be able to accomplish given some of our limitations. I think the biggest challenge we had was simply the need to develop over 1 million conservation plans in less than 3 years. I don't think many people appreciate what it takes to work one-on-one with farmers and ranchers to write site-specific conservation plans, but it is a very significant task. And the speed at which we moved caused problems. There is no doubt about it.

The quality of the plans suffered. Landowner understanding was poor and as a result, once we passed the deadline date, which was January 1, 1990, we spent a significant amount of time backing up and helping landowners understand what was in their plans and making revisions. But we have had other problems along the way.

There have been a number of mixed and contradictory policy signals that have come out of Washington relating to program requirements, timetables, long-term requirements. The best example is probably the debate that we have had over the years with regard to whether or not "T" should be the acceptable standard or whether alternative conservation systems should be. We come down on the side of practicality and alternative conservation systems. "T" is an excellent planning goal. "T" is what we hope to shoot for, but it can't always get us to where we want to be.

When you add this up, the bottom line is that our program administration, the operation and implementation has been strengthened and we have come a long way.

There are a couple of key reasons why. I think the most important reason is that the farm community supported compliance and they have worked hard to fulfill their responsibilities. You will always find bad actors, but the vast majority came forward and worked with government and got the job done. Government worked better together. Federal, State, and local partnerships improved.

We also found that we couldn't do it alone and that we had to adopt a new way of doing business by partnering with the private sector. There have been many success stories as to how we reached out and leveraged private resources. That is part of the reason. And the last one I would point out is the dedication and commitment of our professional staffs.

The men and women of the Soil Conservation Service and our local conservation districts are professionals. They take seriously these responsibilities. They have worked hard. They have made mistakes, but I think all of us owe them our thanks and praise for a job well done.

I would hit a couple of closing comments, lessons learned. First is that in order to effectively implement any future conservation program, adequate resources must be provided for technical assistance. The biggest obstacle we faced was simply the magnitude of what we were up against. Nationwide, we are dealing with over 2.5 million cooperators who are farming and ranching over 1 billion acres of land. Conservation compliance is just one subset of this workload.

For conservation compliance we are talking about 145 million acres of highly erodible land, but the work is much bigger than that. Our delivery system consists of about 14,000 employees and this is the same delivery system. We are expecting to address the Clean Water Act, the watershed initiatives, Great Plains program, coastal zone management, the list goes on and on and we are not even at the new generation of programs. So before we get into the 1995 farm bill provisions, we need to take a hard look at the system. Do we have the capacity to deliver? We think clearly more resources are needed in this arena.

Second, we need to make our future programs more streamlined and user friendly. The paperwork is killing us. It is killing our producers as well. We have put too much emphasis on developing paper plans and not enough emphasis on helping the producers implement the plans.

Third, I think that we have to recognize that compliance is very narrow. It only touches producers who farm highly erodible land and participate in commodity programs.

The last point I would make in terms of looking ahead is that we think that we need to maintain compliance, but we need to build upon it. And as we look toward future programs, we need a new generation of tools that can function in an incentive way to encourage people to do the right thing rather than penalizing producers for not doing something. And we have offered some preliminary thoughts about the environmental credits program in our testimony. Thank you, very much.

[The prepared statement of Mr. Shea appears at the conclusion of the hearing.]

Mr. JOHNSON of South Dakota. Thank you, Mr. Shea. And then last, Mr. Wynn.

STATEMENT OF H. MONTEE WYNN, JR., ESQUIRE, LEGISLATIVE REPRESENTATIVE FISH AND WILDLIFE RESOURCES DIVISION, NATIONAL WILDLIFE FEDERATION, ACCOMPANIED BY PETER NEAL, INTERN

Mr. WYNN. Mr. Chairman, and members of the subcommittee, my name is Montee Wynn, and I am a legislative representative for the National Wildlife Federation. Accompanying me today is Peter Neal, an intern with our organization.

Recognizing that the primary role of these hearings involve conservation plans, we would like to make just very brief comments about the role of wetlands in conservation compliance.

Through commodity programs, the Federal Government has created powerful economic incentives for agricultural production. According to a Congressional Research Service report, producers have received approximately $100 billion through various commodity programs between the years of 1983 and 1992.

By way of comparison, approximately $20 billion has been spent on the conservation reserve program between the years of 1985 and 1994. Unfortunately, by directing taxpayer dollars into commodity programs, the Federal Government provides incentives for farmers to farm wetlands.

We believe that farmers must be able to make a living. However, environmental interests must also be strongly considered. Meaningful and effective conservation compliance initiatives must either, (A), offset the existing commodity base incentives or, (B), establish other economic incentives such as possibly delinking income support from commodity production.

In the 1985 farm bill, Congress attempted to offset economic incentives by linking a farmer's eligibility for commodity program benefits with his or her conservation activities. Under the current system, we, the National Wildlife Federation, strongly support swampbuster, which links farmer eligibility for commodity program benefits with their conservation activities as the best method to offset incentives to farm wetlands. We believe this makes good environmental sense and good economic sense for American taxpayers.

Unfortunately, since its enactment in 1985, swampbuster's conservation compliance effectiveness has unfortunately been delighted. Thus, we propose the following considerations for the subcommittee. First, we believe that swampbuster, as mentioned earlier, should be maintained and its failure to protect wetlands on all agricultural lands should be reviewed.

Second, except for the hardship exemption, all other exemptions to swampbuster should, again, be carefully reviewed. And, finally, we would like to urge that the State and county committee appeals process be amended to allow program nonparticipants to appeal decisions. These recommendations will better enable conservation compliance to occur. Thank you for allowing us the opportunity to present our views.

[The prepared statement of Mr. Wynn appears at the conclusion of the hearing.]

Mr. JOHNSON of South Dakota. Thank you. It is my understanding that the gentleman from Kansas, Mr. Roberts, has a statement that he would like to submit for the record and without any objection from the committee, Mr. Roberts' statement will be inserted in the record.

[The prepared statement of Mr. Roberts appears on page 8.]

Mr. JOHNSON of South Dakota. Mr. Hansen or Mr. Richard, a couple of you have alluded to this. I share your frustrations sometimes that it seems a lot of our conservation resources are committed toward administrative work and keeping records and resources committed in that direction are, in a finite world, are resources that are not committed toward additional conservation efforts.

However, listening to Mr. Cook and others from the environmental community, I am sure you appreciate that the SCS and Congress as well have a fine line to walk. If we are not able to adequately document what the SCS is doing, then we lose public credibility on the programs as a whole.

And so, this is a problem that I suppose will result in tension forever as we balance what we can do to mitigate the paperwork, but yet at the same time improve the credibility of our conservation efforts with those who are not viewing things from an agricultural production perspective.

But I appreciate your observations.

Mr. Cook, I would agree that it is regrettable that the study was not concluded. For what it is worth, it is my understanding that Secretary Yeutter at that time classified the study as one of low priority and it was not the SCS' doing, but this committee and the Congress in general requires an enormous number of studies oftentimes and there does have to be some prioritization. I would have prioritized it higher and I think it is regrettable that it wasn't done, but that was then and this is now and we need to move forward.

Mr. Cook, you have expressed concern about the SCS as the lead agency on conservation compliance, but would another agency have any more adequate resources to hire the staff and do the job than SCS has done. SCS is out there in every count and our experience with other agencies such as EPA and their administration of FIFRA frankly is abominable, not because of problems at EPA, but simply because of lack of resources. So, would moving compliance to another agency really be of any help short of substantial improvement in the resources available to them?

Mr. COOK. Congressman, I can't at this juncture, imagine any other agency taking this on. I can imagine SCS doing its job differently and being more efficient in what it does, but I don't see that as a possibility in part because I don't think there is any other agency around with these resources—SCS is not very different in size from the entire Environmental Protection Agency, covering all environmental mandates. So I don't really think that is in the cards.

I do think that SCS, in a way, took it upon itself to get into conservation compliance as opposed to making sure farmers knew that this was their job. We spent a lot of money helping farmers. Sometimes they don't want the help. Some studies have shown that they don't appreciate it, but the fact is that we have spent a lot of money helping farmers get into compliance with this program, more than we have spent in other areas.

In some cases, I think that maybe SCS should have turned more of the responsibility over to farmers themselves to develop technical aspects of the plans and make sure that they were in compliance, but basically, no. I think SCS is the agency for this job notwithstanding my criticism of them.

Mr. JOHNSON of South Dakota. Do you see a lack of violations being documented as a sign of weakness of enforcement? Couldn't it be seen equally as well as a sign that the program actually is running pretty well and that most people are complying?

Mr. COOK. I think most people are complying, but I think that SCS is underreporting violations. And I think that is one aspect of why——

Mr. JOHNSON of South Dakota. How do you know that? And are you able to document independently the underreporting or is this—I wonder if you would elaborate a bit on why it is that you believe that underreporting is, in fact, going on.

Mr. COOK. We didn't spend as much time in this testimony as we have in previous reports simply summarizing what the USDA, Office of Inspector General has found when they have gone out and done their independent studies. They found in a number of instances, pretty significant difference in what they thought the noncompliance rate was versus what SCS found.

The Soil and Water Conservation Society in the early nineties found what they thought were similar discrepancies. We have done limited field work and we found instances where it was clear that someone is out of compliance and they weren't penalized. It is difficult to put a number on other than the Inspector General's most recent number, which they said was 10 percent out of compliance 2 years ago, versus the SCS number which was 2 percent, so that is a pretty big gap.

Mr. JOHNSON of South Dakota. I have a number of more questions that I would like to ask of this panel, but I do want to honor the 5-minute rule. And I would recognize Mr. Allard.

Mr. ALLARD. Thank you, Mr. Chairman. I think both Mr. Ross Hansen and Mr. Richards talked a little bit about some flexibility or lack of flexibility in the program. Now, there has been some legislation introduced by Mr. Roberts, one particular one, H.R. 3794, that allows for a 1-year extention on compliance if there was a natural disaster or the individual who was raising the crops has faced numerous disasters over the past 5 years and was hitting some financial hardships.

Do both of you think this is a reasonable approach and do you have any suggestions on where we may add some flexibility on the program?

Mr. HANSEN. I think that is a good approach, especially on my own farm where we have had some disasters in the past and it may not be possible to meet those conservation plans on time. That would help speed up the process. Part of the problem with variances is the amount of time it may take to get a weather variance or that may help.

We need to remember that we need site-specific on farms and allow experimentation so that new practices that are coming in, the farmer can adapt quickly. He can try them out and see if they work.

Mr. ALLARD. Mr. Cook, you are talking about stronger enforcement. Are you saying that we shouldn't be allowing for the flexibility that was mentioned by the previous two witnesses?

Mr. COOK. No, I think we very much need flexibility. I think these plans very much need to be as site-specific as they can possibly be made. I think the line one would want to draw is where flexibility, one, is not being uniformly allowed; where some producers are held to a higher, stricter standard than others. I think that is patently unfair, and second, that there is not so much flexibility that we find it impossible to determine when someone is going to be in compliance or what it is they are expected to do.

There have been a lot of plan revisions. I will not say that they were all major revisions, but in the 1993 data, which is the first time that we feel that we could come up with information about how many times plans have been revised, but half of them have been revised at least once, and the average of the ones that have been revised is more than once. And tens of thousands have been revised two or three times.

There is some flexibility in the system there and very many variances. I would agree with my copanelists that in cases of weather situations, natural disasters, we should certainly make sure that those—if they are legitimate, and a lot of them are—we should provide for a more efficient recognition of those in future compliance.

Mr. ALLARD. The total program, a previous witness indicated that we had about 3.6 noncompliance and you had mentioned in your testimony that there are some areas where there is full compliance and some where the compliance is not as well. Doesn't that reflect on how difficult it is in some areas to meet the compliance because there are very adverse conditions and difficult farming areas, highly erodible lands and where you get another area where there is a lot of humus in the soil it would obviously be easier to comply. Would you respond to that as far as flexibility?

Mr. COOK. With respect to flexibility or the disparity——

Mr. ALLARD. The application of the law.

Mr. COOK. I think that there is tremendous diversity. We have tried to provide more detailed information so that we can—the members of the committee can come to their own conclusions in part about what may be affecting degrees of compliance or noncompliance.

My sense is that there are some counties side by side that have pretty much identical erosion conditions and you find noncompliance rates fairly high in one and fairly low in the other. That may be for reasons of conservation traditions where you had a great district conservationist——

Mr. ALLARD. Or it might be the size of the county. In my district they go on for miles.

Mr. COOK. It could be that, too. And you have that belt in your district that is subject to hail. Sure, all of those things are factors. We haven't been able to explain them all for every region, but we would be more than happy to try to give you additional information from our data to shed light on those variations.

Mr. ALLARD. It seems to me that lots of times your testimony is very critical and I personally have seen a lot of improvement in my district. And I see a lot of new technologies being applied. I can see from some of the testimony we have some future problems, disease problems, because of residue requirements and we have to know where we are headed. You have to have residue.

There are serious technical problems that we are going to have to address. So I have been interested in hearing the testimony here and I think we need to have a little bit of flexibility so we can, like Mr. Hansen suggested, try new technologies and try and find better ways of improving. Thank you, Mr. Chairman.

Mr. JOHNSON of South Dakota. Without objection from the subcommittee, the chairman will submit in the record of the subcommittee a letter from Chairman de le Garza to Secretary Espy relative to conservation compliance requirements and time lines and natural disasters and the response from Secretary Espy, dated April 23, 1994. Without objection, received for the record.

[The letters follow:]

E (KIKA) DE LA GARZA, TEXAS,
CHAIRMAN
GEORGE E. BROWN, JR., CALIFORNIA,
VICE CHAIRMAN
CHARLIE ROSE, NORTH CAROLINA
GLENN ENGLISH, OKLAHOMA
DAN GLICKMAN, KANSAS
CHARLES W. STENHOLM, TEXAS
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U.S. House of Representatives
Committee on Agriculture
Room 1301, Longworth House Office Building
Washington, DC 20515-6001

PAT ROBERTS, KANSAS,
RANKING MINORITY MEMBER
BILL EMERSON, MISSOURI
STEVE GUNDERSON, WISCONSIN
TOM LEWIS, FLORIDA
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NICK SMITH, MICHIGAN
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GARY R. MITCHELL,
MINORITY STAFF DIRECTOR

TELEFAX NO.
(202) 225-8510

December 16, 1993

The Honorable Mike Espy
Secretary
U.S. Department of Agriculture
Fourteenth St. and Independence Ave. SW
Washington D.C. 20250

Dear Mr. Secretary:

I am writing in regard to the effect of the last several years' natural disasters on many farmers' ability to meet conservation compliance requirements and to request that the Department develop a comprehensive policy with regard to conservation compliance deadline extension as result of these disasters.

Although last summer's catastrophic Midwest floods are currently foremost in our minds, floods, hurricanes, earthquakes and drought have affected farmers in many areas of the country in the last several years. From Hurricane Andrew in Florida and Louisiana to the California earthquake and drought in the Southeast and Texas, these disasters have created conditions that may make it difficult for farmers to meet conservation compliance deadlines.

As you know, the 1985 Food Security Act (FSA) requires farmers who cultivate highly erodible land (HEL) to be actively phasing in provisions of a Soil Conservation Service (SCS) approved conservation compliance plan to reduce soil erosion on HEL. The FSA also requires full implementation of these plans by January 1, 1995. If the SCS and Agricultural Stabilization and Conservation Service (ASCS) find that a producer is not in compliance by not actively applying the plan or being unable to meet the 1995 deadline, he or she may face either a substantial reduction or a total loss of farm payments. While reports indicate that farmers are working diligently to meet the conservation compliance deadline, disaster can affect some farmers' ability to keep pace with their plan's implementation schedule.

This summer's midwest flood provides a good example of the effect of a major disaster on conservation compliance. As you know, last summer's torrential rains did more than flood prime agricultural land. Fast moving water in upland areas also damaged soil conservation structures - terraces, waterways and diversions. The overall impact of these conditions called into question the ability of some farmers to meet the conservation compliance deadlines.

Fortunately, as stated in the FSA, and reiterated in SCS testimony before the House Agriculture Subcommittees on General Farm Commodities and Environment, Credit and Rural Development on November 19, 1993, the SCS has existing authority to grant an extension of time to farmers attempting to meet conservation plan requirements. In Iowa, one of the flood-affected states, the SCS, in consultation with commodity and environmental groups, has already written, published and distributed guidance addressing conservation compliance in light of the flood disaster. This guidance requires farmers to remain current on management practices but includes a one-year extension for farmers on structures compliance in their conservation plans.

In light of the success of this approach in Iowa and the potential effect of disasters nationwide on meeting conservation compliance deadlines, I request that the Department initiate a comprehensive policy regarding conservation compliance deadline extension for natural disasters.

Thank you for your timely response to this request. With best wishes, I am,

Sincerely,

E (Kika) de la Garza
Chairman

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

April 2 1994

APR [illegible] ?

Alex
Carol
Vernie
Delfie

Honorable E (Kika) de la Garza
Chairman, Committee on Agriculture
U.S. House of Representatives
1301 Longworth House Office Building
Washington, D.C. 20515-6001

Dear Mr. Chairman:

Thank you for your letter of December 16, 1993, regarding conservation compliance plans and the 1985 Food Security Act's (FSA) requirement that these plans be fully implemented by January 1, 1995. I apologize for the delay in responding to your letter.

In your letter, you expressed concern with the effect of natural disasters on the ability of many farmers to meet the compliance requirements by that date. You request that the Department of Agriculture (USDA) develop a comprehensive policy with regard to the extension of the FSA deadline as a result of these disasters.

I am pleased to be able to inform you that USDA has in place policies designed to deal with circumstances such as those created by the extensive and very damaging rains and floods of 1993. The 1990 Food, Agriculture, Conservation, and Trade Act amended the FSA to require that a farmer will not be determined out-of-compliance if that farmer has encountered conditions beyond his control or if a temporary variance must be granted to allow the farmer to handle a specific problem. USDA developed and implemented policies conforming to these amendments, and as a result the FSA's January 1, 1995, statutory deadline will be exceeded in certain circumstances. Under these policies, USDA grants temporary variances, generally for one year at a time, in the event a farmer has encountered the situations identified in the statute. USDA's policies allow a one-year variance to be followed by other one-year variances if the conditions warrant the extension, which is a situation faced by many farmers in the States affected by the 1993 flooding.

The extreme rains and resulting floods in 1993 prevented many farmers from planting spring crops and installing conservation practices in that year. These conditions may also have damaged or destroyed conservation practices that were established in 1992 or prior years. On those farms on which a status review is conducted, the Soil Conservation Service will grant a variance for the 1993 crop year based upon a finding that the rains and related flooding were conditions beyond the producer's control.

It may be that in 1994, all that a farmer will be able to do is to repair or replace the destroyed practices and, therefore, may qualify for a variance for the 1994 crop year. In 1995, the farmer installs the practices initially scheduled for 1993, and is then considered to be using the approved conservation system. It is also possible that practice application will need to be continued into the 1996 crop year because of lingering effects of the 1993 excessive rains. In this case, the producer could be granted a variance for the 1995 crop year.

The circumstances need to be evaluated each year to determine the possible and actual performance of the producer and whether there is a basis for granting the variance. Using this approach, there is no need for legislation to change the January 1, 1995, deadline. We believe this is an acceptable mechanism to deal with the current situation and its future ramifications.

Again, thank you for writing. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

MIKE ESPY
Secretary

Mr. JOHNSON of South Dakota. Mr. Pomeroy.

Mr. POMEROY. Mr. Cook, your testimony clumps the entire period of SCS activity under the law at issue, but then actually goes on to note that 1993 on appears to be more diligent efforts made by the Department; is that a fair characterization?

Mr. COOK. Yes, in writing that, I tried to give credit where I thought it was due, where I felt that there was a different approach within SCS to providing more information and being more objective about what was really going on with conservation compliance. I noticed that happening at the end of 1992 and early 1993.

Mr. POMEROY. And continuing?

Mr. COOK. Yes, I think it is continuing. Very much so. You know, it is tough to be bringing up these problems with conservation compliance in a context where in the past no one has brought them up before except the Inspector General and the Soil Conservation Service. And I have to say that I was pleased that Chief Johnson pointed out that not everything is coming up roses. And that is, I think, a step in the right direction of making it easier to look at this thing, this whole issue honestly and objectively.

Mr. POMEROY. Mr. Wynn, during my experience as insurance commissioner, I closely evaluated the conduct of jurors in rural areas, especially North Dakota. I found that as a rule they were pretty conservative, very lenient and conservative in terms the awards that they offered and I think that stems from a state of mind that my constituents share that people shouldn't get what they are not entitled to.

I, therefore, am very concerned and think it misses the mark by about a mile to read that in your testimony that the present appeals system has no advocate for taxpayer or public interests. It seems to me to be a characterization that all ASCS, all of these committees, involve people that are only looking out for production agriculture interests when I don't think the record supports that.

Mr. WYNN. What I would like to say is that under the current regs, the way we understand them, that if you don't participate in a program, you are not allowed to participate in the appeals process at the county or State committee level. Only the producer, if an adverse decision comes down in opposition to the producer, the producer may appeal to the next level, but if a decision that a nonproducer may disagree with that because the person is a nonparticipant in the commodity or farm program, the particular person is denied the opportunity to appeal.

The reason that we advocate for an appeal of this process is that people who don't participate in the program are sometimes affected by the program and by decisions made by the State and county committees.

Mr. POMEROY. Well, that might not be—well, I don't think that is novel. I do think that what you are arguing is relatively novel for administrative law as a matter of course, although with some exception. The rulings of an administrative entity standing as within the regulated party and the regulator, not third parties, wouldn't you agree?

Mr. WYNN. That is the way the regulations stand now.

Mr. POMEROY. Not just for this, but generally across the board.

Mr. WYNN. Actually that is not true. There are certain agencies that do allow for entities or people who don't participate in the program to have an appeals—to have standing to appeal. For instance, FERC does——

Mr. POMEROY. I am aware that there are some anomalous administrative arrangements that do allow that, but the general thrust of administrative law is that it is between—standing for appeals are between the regulating entity and the regulated; correct?

Mr. WYNN. In certain instances, yes, that is true. But, again, there are exceptions to allowing standing for third parties. Again, FERC allows for standing for third parties. I believe that the Department of the Interior also allows standing for third parties concerning grazing issues. So while that may be the rule, there are exceptions to the rule, and in this case we think that nonparticipants should have appeal rights. Thank you.

Mr. POMEROY. Do you see the prospect—let's pursue that for a second. A couple of neighbors that don't agree with one another, don't like each other, Hatfields and McCoys. Don't you see the circumstance where there could be an awful lot of monkey business by allowing nonprogram participants to appeal? If I didn't like my neighbor, I could keep him tied up in administrative process at substantial expense to him for a long time.

Mr. WYNN. That is always the danger. However, again the experiences of FERC and the Department of the Interior would say that nonparticipants participating in the appeal processes has worked very well to enhance conservation compliance.

Mr. POMEROY. I think that replete throughout your testimony is a premise that farmers are simply not to be trusted, either directly or by way of peer enforcement of the stewardship of their soil, and I find that objectionable and completely disagree.

Mr. WYNN. Can I comment on that? We don't hate farmers. In fact, yesterday we had a meeting with the Illinois Farm Bureau and in that meeting we found that there were several grounds of commonality, specifically the conservation reserve program and other programs of that nature. So while the comments may appear harsh, we believe we are not the antifarmer constituency that some would paint us to be. Thank you.

Mr. JOHNSON of South Dakota. Mr. Hansen commented a bit about inability to burn fields to get rid of scab and other diseases and the limitations that producers face. I wonder if members of the panel, particularly perhaps those with an agricultural production perspective, would care to comment about any particular new practices they might have in mind that producers haven't been able to utilize because of regimented constraints found in their existing plans or comment on any new or emerging technologies which you see coming down the road, which would provide producers with additional options, in addition to reducing erosion and producing soil health. Does anyone have a desire to comment on that?

Mr. RICHARD. Mr. Chairman, one of the things that I found and I think Farmer's Union members nationwide have found is that as we have moved toward what seems to be an ultimate goal of a monocultural agriculture in which farmers each produce only one or two commodities, the problems that are going to occur in going from a more diversified farm into one that is less and less diversified will be continuing to increase. The kinds of programs that we have had in the past years seem to be causing farmers to move in that direction, in the direction of whatever crop seems to provide them with the high level of income in that particular time.

On my farm from the time that I was a child until I left the farm in 1990, we had probably 10 or 12 different commodities, including livestock, that was produced when I was a child that narrowed down to four crops when I left farming. When you have a situation like that, you are going to be dealing with crop residues that are going to cause these types of problems. The alternative for some people is field burning, or the application of far greater levels of fungicides, pesticides, and herbicides to control these problems.

The new technologies that are on the horizon, while they may improve one aspect, may be detrimental to something else. It is something that we in agriculture are going to be walking a tight rope as we implement new techniques.

Mr. JOHNSON of South Dakota. Any additional comments?

[No response.]

Mr. JOHNSON of South Dakota. Well, let me just remark, maybe the obvious, that from a agricultural production perspective, it is important for us not only to run a good conservation program, but to be able to document that it is a good conservation program and to put a great deal of effort in that regard. Otherwise, I think we risk the loss of support of much of what we do from the nonagricultural community, which is, frankly, becoming a larger and larger share of our population. And those concerns are not going to go away.

From the environmental, nonag perspective, we need to understand that if the burden becomes so great on production agriculture, particularly with declining levels of support for commodities, that we are going to find more and more farmers getting out of the program and we will have no conservation or environmental impact on their production whatsoever. So both sides in this argument need to understand the balance that is required; that farmers are willing to put up with quite a bit and I think most farmers are very supportive of conservation philosophy. That is just the way they are. They live on that land and they drink that water and their kids grow up there. But they don't want to be caught up in bureaucracy and hassles all the time so that it becomes unbearable for them.

And so I think we need that balance and if both sides are willing to understand the other a little better, I think we all gain in this effort. I think that your testimony, both oral and written, has been a valuable contribution to our dialog that needs to be ongoing in this subcommittee and on to the full committee as we look forward to the 1995 farm bill debate and I thank all of you on this panel for your contributions. We will look forward to continuing contributions from you as this debate continues.

With that, there being no further testimony, this subcommittee hearing is adjourned.

[Whereupon, at 12:40 p.m., the subcommittee was adjourned, to reconvene subject to the call of the Chair.]

[Material submitted for inclusion in the record follows:]

Testimony of
Paul W. Johnson
Chief, Soil Conservation Service
U.S. Department of Agriculture

before the
SUBCOMMITTEE ON ENVIRONMENT,
CREDIT, AND RURAL DEVELOPMENT
of the
COMMITTEE ON AGRICULTURE
U.S. HOUSE OF REPRESENTATIVES
August 11, 1994

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for this opportunity to review the status of the conservation compliance provisions of the 1985 Food Security Act, (FSA) as amended. I am pleased the Subcommittee has committed this time to discussing the tremendous progress U.S. farmers have made in conserving soil on our Nation's highly erodible land and improving the environment.

The highly erodible land conservation program of FSA is the largest, most ambitious, private lands conservation effort embarked on by this Nation. It set in motion a cultural change for farmers, agribusiness and the USDA's Soil Conservation Service (SCS). The impact has been significant for agriculture and the environment.

Farming practices have changed dramatically. Farmers across the country are using conservation tillage and no-till as never before. The widespread use of crop residue management has brought about a change in the use of traditional farming methods.

In Indiana, 3.5 million acres are now being no-tilled-- a 2.2 million acre increase in just the last 3 years. Conservation tillage has increased 2 million acres to 4.8 million acres in that same time period.

Alabama cotton farmers in the Tennessee Valley are now raising cotton using conservation tillage--a method not even considered for cotton production before the FSA. These farmers are now growing cotton with conservation tillage on 30,000 acres.

In Iowa, farmers are using terraces, no-till farming, contour farming, grassed waterways and grass field borders. They are realizing the value of these practices for the community as a whole.

In western Wisconsin, no-till, conservation tillage and terracing have helped farmers reduce erosion while growing corn and soybeans. Farmers there have reduced soil erosion an average of 11 tons per acre per year.

In New Jersey, farmers are finding that conservation tillage saves time, reduces their reliance on pesticides and provides good erosion control.

Needless to say, this was an unprecedented single item workload for SCS and required a cooperative effort between farmers, conservation districts, and a limited field staff to develop 1.7 million plans. Partnerships were forged with farmers, agribusiness, farm organizations, environmental groups and other government agencies. All of these partnerships have been important. We would not be where we are today if these partnerships had not formed.

As a result, we anticipate that over a billion tons of fertile topsoil will remain on our Nation's croplands each year, thus reducing pollution of our rivers, lakes, streams, and our air. This is enough topsoil to grow 800 billion rose bushes using 3 pound pots. If these pots were planted at the density of one pot per square yard, roses would cover a combined area the size of Rhode Island, Virginia, New York, Arkansas, Oregon and Washington, DC.

This progress has not come without growing pains for SCS. We were given a monumental task, and huge amounts of existing resources were transferred within the agency to provide education and technical assistance to address this workload. We have not always achieved perfection, but we continue to make refinements and corrections as we move through the compliance process.

Background

Prior to the FSA, SCS provided technical assistance only to those farmers who asked for help. Our mission was selling conservation. Many farmers chose to continue with the ways of farming they had learned from their fathers and grandfathers.

As society began to become more concerned about environmental issues, the agricultural community began to address environmental concerns related to farming and ranching. As a result, the USDA, farm organizations and environmental groups worked closely together to develop the conservation provisions of FSA, which included sodbuster, swampbuster, land retirement and conservation compliance provisions.

The FSA mandates that, in order to maintain eligibility for certain specified USDA benefits - - including price support payments and disaster payments administered by the Agricultural Stabilization and Conservation Service (ASCS); loans administered by the Farmers Home Administration (FmHA); and crop insurance administered by Federal Crop Insurance Corporation (FCIC), - - all highly erodible cropland used to produce agricultural commodities must have an approved conservation plan by January 1, 1990, and have it fully implemented by January 1, 1995. In addition, wetlands were required to be protected from conversion to cropland. The SCS was given responsibility for assisting farmers in developing and implementing the conservation plans. SCS also made the wetland and highly erodible land determinations.

The Food, Agriculture, Conservation and Trade Act of 1990 (1990 Act) amended the conservation compliance provisions to include additional USDA benefits, as well as provide for graduated sanctions for noncompliance.

The primary goal of conservation compliance was to reduce soil erosion on highly erodible cropland. Secondary objectives included protecting the nation's long term capacity to produce food and fiber, reducing sedimentation, improving water quality, and fostering wildlife habitat.

Compliance Status

In order to measure program implementation of conservation compliance, the SCS conducts compliance reviews of plans across the country by the use of statistical sampling. Today, the Soil Conservation Service is pleased to release "Gaining Ground," a report which provides details of the results of the 1993 status review. In 1993, SCS completed status reviews on a 2.5 percent random sample of the compliance plans. This review involved eight million acres of cropland. The same statistical review process is presently being applied for 1994.

Some of the highlights from this report are:

* 1.7 million conservation compliance plans have been developed;
* 92 percent of the plans reviewed are on schedule;
* 50 percent of the plans are fully implemented;
* the remaining 42 percent are on schedule and should be in place by the January 1, 1995 deadline;
* 143.6 million acres of cropland are covered by these plans;
* about 4.7 percent of the plans reviewed had received variances or extensions due to hardships, climate or minimal technical impacts;

    (As an example, the 1993 floods covered large areas of the Midwest. Some of the conservation compliance practices were severely damaged and farmers could not get into the fields to in stall practices. Many variances were due to these abnormal weather conditions.); and

* 3.6 percent of the plans sampled were out of compliance.

The impact of the FSA on the protection of wetlands is also becoming apparent. Studies by the U.S. Fish and Wildlife Service indicated from 1954 to 1972, 87 percent of wetland losses were due to agriculture, and from 1972 to 1982, this figure had dropped to 54 percent. SCS conducts a National Resources Inventory (NRI) every five years. National Resources Inventory data in 1982 and 1992 shows that loss of wetlands attributable to agriculture has dropped to 36 percent.

We believe the agricultural community with the help of USDA has made significant progress in reducing soil erosion and wetland losses in a relatively short time period. Over 200 years of farming tradition has been changed in just 10 short years. This success is due in large part to the partnerships that formed. These partnerships, between farmers, conservation districts, SCS, agribusiness, farm organizations, environmental groups and other government agencies were instrumental in providing the information, technology and support necessary to bring about cooperative action. The agricultural community, from farmer to equipment manufacturer, worked together to make conservation compliance a success. While much remains to be done, the effectiveness of these outstanding partnerships must be recognized as the foundation for the future.

Farmer Participation

The well-known conservationist Aldo Leopold once said that "a farm is a portrait of the farmer." Farmers have undergone a shift in knowledge and attitude since 1985. The enactment of the conservation compliance provisions brought about an unprecedented increase in the adoption of new technology. The level of participation by farmers in complying with highly erodible land provisions indicates their willingness to make changes in their farming operations that benefit the environment.

At this point in time, the main practice used to achieve erosion control has been crop residue management. The adoption of crop residue management is included in 75 percent of all conservation compliance plans. Surveys conducted by the Conservation Technology Information Center indicate that the acres of land being farmed under conservation tillage and no-till systems have grown by 35 percent since 1989.

The majority of farmers are committed to making the changes indicated in their compliance plans and are taking additional steps to protect their natural resources. The changes they make on their highly erodible land acres are also used in farming their non-highly erodible land. This is changing the portrait of agriculture across the landscape. Education and technical assistance have provided the help needed to evaluate existing conditions and develop alternatives that benefit the environment and also maintain the livelihood of the family farmer.

Environmental Benefits

When compliance plans are fully in place, soil erosion is expected to be reduced by more than 66% per year, decreasing from an average erosion rate of 17.5 tons per acre per year on highly erodible land to 6 tons per acre per year. Nationally, this will be more than a billion tons of erosion reduced on highly erodible cropland per year.

Soil erosion control reduces sedimentation, nonpoint source pollution, and off-site damages to other natural resources. Soil quality is significantly improved by reducing erosion and increasing organic matter in the soil profile. The improvements in water quality enhance aquatic life, improve swimming and boating opportunities, reduce the loss of water storage capacity in reservoirs, result in savings in navigation dredging costs and municipal water treatment costs, reduce flood damages, and diminish ditch and irrigation sediment removal costs. Ecological health is improved by enabling ecosystems to become more diverse, more resilient to adverse shocks, and more resistant to changes. The diversity of programs and practices used to reduce soil erosion contribute to these improvements.

For example, land treatment watershed projects provide technical and financial assistance in identified watershed areas. Partnerships between citizens and local, state and federal agencies and groups lead to a local, cooperative effort in treating identified natural resource problems. Many of these watershed projects have assisted farmers in complying with the conservation compliance provisions of the FSA. Conservation practices that reduce soil erosion are applied in these areas, and improve soil quality, water quality and quantity, wildlife habitat, and protect riparian areas. There are nearly 300 of these watershed projects on over 21 million acres across the country.

Building the Future

This progress has not come without stress and growing pains for the Soil Conservation Service. The FSA placed a tremendous challenge on our field technical assistance delivery system. It caused our agency to change from being a purely voluntary technical assistance agency to one with additional responsibilities.

One area we have expanded activities is wetlands. On January 6, 1994, we entered into a Memorandum of Agreement with the Department's of the Army, the Department of Interior, and the Environmental Protection Agency (EPA) which brings much needed uniformity to the process within the federal government. For the first time the landowner can rely upon a wetland determination made by one government agency for all government programs. Agreement has been reached on the mapping conventions used in making wetland determinations, interagency training is being provided to employees of all the agencies and joint oversight is being conducted to insure uniformity in implementation. This process is good for the environment, the government agencies and the landowner. A Wetland Team within SCS has been established to insure that wetland resources are adequately addressed.

The agricultural sector has made tremendous progress over a short period of time. The new partnerships, between farmers, conservation districts, SCS, agribusiness, farm organizations, environmental groups and other government agencies, that have been built over the past decade are essential to the success of these changes in agricultural production and are the foundation for continuing into the future. These partnerships will be extremely valuable as we address wetland delineations, an ecosystem approach to caring for the land, and continue to more clearly define and understand natural resource sustainability.

We will do our best to deal with our shortcomings. A number of Inspector General audits and other studies have pointed to deficiencies. We will accept legitimate criticism and will do all we can to make the program work better. Many who are watching American agriculture argue that we need to do better. They are right, but we should pause and reflect on the distance traveled these past ten years. We should challenge each other to look to where we want to be and how we can reach that goal through new and renewed partnerships and a better understanding of our natural resource base.

As we take stock of where we are, let us be thankful for the progress we have made. Let us rededicate ourselves to continue to work in partnership with all who live on the land or care about it in order to conserve and enrich it for those who will come after us and the life that will surround them.

I appreciate the opportunity to testify today and we will be happy to respond to your questions.

(Attachment follows:)

United States
Department of
Agriculture

Soil
Conservation
Service

July 1994

Gaining Ground

Soil Conservation Achievements of U.S. Farmers

Taking Stock

Foreword by Paul W. Johnson
Chief, Soil Conservation Service

"I'm going out to clean the pasture spring;
I'll only stop to rake the leaves away
(And wait to watch the water clear, I may);
I shan't be gone long –You come too."
–from The Pasture by Robert Frost.

With the release of our 1993 status report on reducing soil loss on our nation's highly erodible lands, Robert Frost's poem seems appropriate. It's time that we in American agriculture, the Soil Conservation Service, and others who care about the land clear away the clutter and take stock.

First of all, farmers across this country deserve a big thank you for the impressive progress they have made over the past decade. Never before have so many farmers worked so hard and accomplished so much conservation. Their achievements in reducing erosion not only have slowed the degradation of soil, our nation's most fundamental natural resource, but have significantly improved air and surface water quality as well.

As we "rake the leaves away and wait to watch the water clear" it's only fair for us to candidly report what we see.

The past decade has not been easy. The Soil Conservation Service has sometimes hesitated when we could have expected more.We have been rightly criticized for offering farmers alternative conservation systems that are allowing unnecessarily excessive soil loss. On the other hand, SCS personnel in the field have continued to work with farmers and have encouraged them to adopt practices that significantly reduce erosion. And, as the '93 status reviews indicate, farmers often have performed considerably better than their plans called for.

Over the past decade, our SCS personnel have been challenged to carry out new responsibilities without a corresponding increase in resources. Although it was farmers who were mandated to carry out conservation requirements, many of our employees personalized the struggle. Farmers sometimes unjustly held SCS employees responsible for the compliance requirements; and, in order to lessen or avoid confrontation, we have not always lived up to our responsibility to be the impartial judge of the farmer's performance.

In spite of our shortcomings, we have made significant progress. A sustainable soil conservation system needs to come as close as possible to "T," or the basic soil-loss tolerance level. More than half of our cultivated "highly erodible" land will be farmed to this level by the end of this year.

However, we need to recognize that "T" is only one measure of how we're doing in monitoring and improving soil quality. We will continue to work with the research community to develop more comprehensive measures of how our farming systems affect soil.

Our nation must continue to focus on curbing soil erosion. And our agricultural community must come to grips with those in their midst who continue to treat land as a commodity and insist on their right to abuse it because they own it. Future generations and all life depend on our stewardship of the land. Just as with child and spouse abuse, we must not turn and look the other way as some continue to unnecessarily harm the land.

Many who are watching American agriculture argue that the pond is still cloudy – that we need to do better. They are right. But rather than becoming discouraged or "circling the wagons" we should pause and reflect on where we've come from these past 10 years. We should challenge each other to look to where we want to be and how we can reach that goal through new and renewed partnerships and a better understanding of our natural resource base.

A couple of months ago, on a spring day, I managed to get back to my Iowa farm. I climbed the hill in our pasture and sat in the lush new grass, soaking in the warmth of the bright sun. I looked down to the river below and saw something I'd never seen before from that vantage point. I saw the bottom of the river. The river was running clear.

As we release this '93 status report, let's take stock of where we are. Let's continue to correct our mistakes and improve on our shortcomings. Let's be thankful for the progress we've made. And let's rededicate ourselves to continue to work in partnership with all who live on the land or care about it in order to conserve and enrich it for those who will come after us and the life that will surround them.

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I. Highlights

This is an update of achievements by U.S. farmers working with the U.S. Department of Agriculture's (USDA) Soil Conservation Service (SCS) in conserving highly erodible cropland.

The 1985 Food Security Act (FSA) stipulates that, in order to retain eligibility for certain USDA benefits, all highly erodible cropland used to produce agricultural commodities must have an approved conservation system in place by December 31, 1994. The SCS was given responsibility for assisting farmers in developing conservation plans and seeing that the plans are properly implemented.

- SCS data indicates that about 92 percent of the plans for nearly all of America's most highly erodible cropland under cultivation are on schedule and are expected to be completed by the deadline. Of these plans, at least half are already in place.
- The conservation systems called for in these plans are expected to reduce erosion on average on these lands from more than 17 tons per acre per year to only 6 tons, or by more than 66 percent. The program is expected, therefore, to conserve more than 1 billion tons of soil annually nationwide. This reduction in erosion is essential because it protects the long-term productivity of this Nation's most vulnerable cropland.
- Keeping the soil on the land reduces the damages caused by soil erosion to the Nation's water and air quality, enhances wildlife habitat, and contributes to ecological health.
- SCS monitors conservation plan implementation on the ground with annual status reviews. In 1993, reviews were done on more than 53,000 tracts encompassing about 8 million acres. A stratified random sample was used, employing generally accepted statistical methods commonly used in government and professional survey techniques.

Over the last 9 years SCS, working in close partnership with conservation districts, has met a number of aggressive milestones and objectives established in the 1985 FSA. Some highlights:

- **Within the first 4 years, completed a Nationwide inventory of 400 million acres of cropland.**
  SCS identified 145 million acres of highly erodible land (HEL) that required use of an approved conservation system. All cropland was evaluated for farmers who participated in USDA programs.

- **Assisted every farmer who wanted a conservation plan.**
  As of the end of 1993, SCS employees helped develop 1.7 million conservation plans for more than 143 million acres of the Nation's most highly erodible cropland. Plans were prepared for all farmers who wanted to retain eligibility for USDA farm programs.

- **Made immediate changes to the National Food Security Act Manual (NFSAM) and updated the Field Office Technical Guide (FOTG).**
  The NFSAM contains policy and procedures for SCS employees to implement FSA responsibilities. The FOTG provides locally specific technical data on soils, crops, and conservation practices. SCS updated the FOTG to include conservation systems specifically tailored for use in plans to conserve highly erodible soils. The FOTG will continue to be updated to include new technology and research.

- **Beginning in 1987, operated and continually improved a quality assurance and monitoring program.**
  In 1993, SCS reviewed 2.5 percent of all HEL tracts for which conservation plans had been prepared (a tract is a unit of land operated as all or part of a farm). Sites were randomly selected for monitoring. Factors monitored include:
    - percent of land with plans applied,
    - percent of variances (extensions),
    - amount of crop residue, and
    - changes in soil erosion rates.

- **Developed State-specific quality assurance plans.**
  These plans were designed to monitor field office implementation of policies and procedures related to the conservation of HEL.

- **Addressed issues and concerns from internal and external reviews.**
  SCS took the following actions to address concerns revealed by internal and external reviews:
    - issued policy to document erosion rates in all case files for HEL cropland;
    - established quality reviews and automated tracking and monitoring system for States;
    - established consistent documentation requirements for recording results of status and quality reviews;

- completed a review of all compliance plans to assure that they provided clear guidance to farmers and met the SCS quality standards;
- developed clearer guidelines for granting variances/extensions; and
- developed policy for revision and update of plans.

- **Conducted numerous public information and education projects to reach farmers, ranchers, and the general public at the national, regional, State, and local levels.**
  SCS worked with Federal, State, and local agencies to inform landowners of their responsibilities in staying eligible for USDA farm program benefits. Among the information initiatives were the "Make Your Move Now" project to encourage farmers to get started with their plans, the "Conservation On Your Own" video to show farmers how to install practices, and the "Wrap It Up" project to communicate a sense of seriousness and urgency in completing conservation plans on schedule. In addition, SCS worked closely with constituency groups, preparing articles for their publications and speaking at their meetings. Publicity efforts continue.

ENVIRONMENTAL WORKING GROUP™

Status of Conservation Compliance Implementation

Statement of Kenneth A. Cook and Andrew B. Art
Environmental Working Group[1]
and
Maureen K. Hinkle
National Audubon Society

Before the Subcommittee on Environment, Credit and Rural Development
House Committee on Agriculture
August 11, 1994

Mr. Chairman, distinguished members of the subcommittee: I am Kenneth A. Cook, president of the Environmental Working Group, a non-profit environmental research organization based in Washington, D.C. Joining me today in presenting our testimony is EWG policy analyst Andrew B. Art. Our written testimony is also presented on behalf of Maureen K. Hinkle, director of agricultural policy for National Audubon Society, a national conservation organization with over 600,000 members dedicated to the preservation of natural resources for the benefit of both people and wildlife.

We very much appreciate the opportunity to testify on the status of the conservation compliance policy.

Since the 1990 Farm Bill was enacted, Environmental Working Group staff have been monitoring implementation of the conservation compliance, sodbuster and swampbuster provisions, as amended in the FACT Act, along with other provisions of that law. Together with colleagues in the environmental community, we have filed dozens of Freedom of Information Act (FOIA) requests with the implementing agencies at USDA as well as with the department's Office of Inspector General (OIG). We have analyzed results of tens of thousands of Soil Conservation Service (SCS) status review "spot checks" every year in considerable detail. Today we present our first analyses of the 1993 status review results.[2]

We have also analyzed benefits denied farmers by the Agricultural Stabilization and Conservation Service (ASCS) through 1992 as a result of resource compliance violations. Because ASCS data are being adapted to a new reporting system, more recent data are not available from the agency, so our focus today is on SCS.

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[1] We wish to thank our colleagues at EWG for assistance in preparing this testimony: Mike Shelhamer, Eileen Gannon, Frank Schima, Chris Campbell.

[2] Results of these analyses were presented in two EWG reports, *Subsidizing Soil Loss* (1992) and *Countdown to Compliance* (1993) and in congressional testimony. (At the time these reports were published we operated as the policy program of the Center for Resource Economics.)

Finally, EWG staff have conducted field work to observe conservation compliance and sodbuster implementation first hand in five states in the past two years. We plan to continue this effort, including field observation, over the coming year. We have also responded to whistleblower complaints from farmers and SCS employees about conservation compliance, sodbuster and swampbuster.

As we did several weeks ago when the subcommittee reviewed the Conservation Reserve Program, today we attach to our testimony summary information on HEL compliance from both SCS and ASCS for the congressional districts of each member of the subcommittee. This is a fraction of the information we can provide by county and congressional district, and we will be happy to provide other information the subcommittee may need. As usual with EWG analyses of this type, congressional district estimates have been tabulated by aggregating data for all counties that fall within a district, even if part of the county is shared with another district or districts.

I will spend a few minutes summarizing our major conclusions about conservation compliance. Then I will ask Mr. Art to present highlights of our status review analysis, including information specific to districts represented on the subcommittee.

Conservation Compliance: What Do We Know And When Did We Know It?

SCS and the public know surprisingly little about conservation compliance accomplishments and most of what we do know pertains to but a single year—1993. The SCS version of what has been accomplished has been disputed from the very beginning by experts on the subject, including experts from other agencies within USDA. Unfortunately, the limited, inconclusive information that has been generated by USDA, and that SCS Chief Paul Johnson presented today, comes very, very late in the game. Only months remain before the December 31, 1994 conservation compliance deadline for full implementation of highly erodible land (HEL) plans.

Why does the public know so little, so late, about conservation compliance? This question goes to the heart of today's hearing, and has significant bearing on the 1995 Farm Bill reauthorization debate.

We would point to two, interrelated reasons for the information gap on the conservation title. First, SCS is an agency that has great difficulty telling the truth about what it does and how it does it. This is not true of everyone in the agency, but it is the prevailing circumstance. In part the problem arises from the self-preservation instincts common to any bureaucracy, particularly one that has been marginal to the main purposes of its department for most of its history, as SCS has been. Within SCS, independent, critical appraisal of agency or farmer performance and behavior has long been discouraged if not penalized. In particular, critical analysis of a quantitative, evaluative type has been scarce to non-existent. Agency capacity for policy analysis and program evaluation, never strong, deteriorated perceptibly over the past decade. In the case of conservation compliance, this tradition has translated into a virtually uninterrupted stream of purely "good news" from SCS about conservation compliance. In the crucial years of 1990 through

1992, the agency was especially misleading in its progress reports. For example, SCS routinely presented as accomplishments a tabulation of what its computerized farm-level conservation plans *said* would be accomplished by a certain date. But SCS had no way of knowing if the accomplishments were real, and much reason to believe that they were not, considering that hundreds of thousands of plans were revised and rescheduled during that period.

Today the agency is telling more of the story, but only part of the truth. SCS is finally providing basic information about conservation compliance, but is still struggling to be objective in its appraisal of farmer and agency accomplishments. Agency officials are beginning to admit that all is not perfection. But they still do not thoroughly or consistently discuss in public a number of significant implementation problems they acknowledge in private.

The second, related problem is that SCS has been and remains responsive primarily to farmer interests, not to the broader public interest in conservation compliance, or even to the public investment in SCS itself.[3] There are some obvious reasons for this allegiance. Most SCS staff live and work in rural areas, and hear mainly from farmers about their work—work that mainly affects farmers. Almost any SCS field staffer will tell you that the pressure they have experienced from farmers or farm groups to modify or weaken compliance plans or to grant variances has been far greater and more constant than the counter-pressure they have felt from conservation or environmental interests. Moreover, most mid- and senior-level, career SCS staff came of age during the time when SCS interacted solely with those farmers who volunteered to work with the agency. That relationship put a premium on "selling" conservation, often to unwilling farmers. Little wonder that even today, when SCS (like other USDA agencies) refers to its "customers," it means farmers, not the general public, nor even the real customers–—the taxpayers who are literally footing the very large bills for the Soil Conservation Service.

That context helps explain why the Department of Agriculture will not comply with Section 1444 of the FACT Act, which required the Secretary to prepare and submit to the agriculture committees a comprehensive evaluation and report on the Conservation Title. The report was due over a year ago; it will never be submitted. It does not exist.[4]

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[3] And that investment is enormous. SCS has nearly as many employees for its mandates as EPA has to implement *all* federal environmental laws in its purview.

[4] Under Section 1444, not later than June 30, 1993, FACTA required the Secretary to prepare and submit to the agriculture committees a comprehensive report that evaluates the programs and policies established and operated under Title XII of the FSA, as amended. In conducting the evaluation the Secretary was directed to:

(1) Assess the progress made toward the National objective of non-degradation of the soil resources through the implementation of the relevant provisions of this title, identify obstacles to the attainment of this goal, and recommend how to overcome such obstacles.

(2) Perform on-site evaluations of conservation practices on highly erodible lands, provide on-site estimates of erosion reductions that may result from the implementation of conservation plans, and assess the technical adequacy and feasibility of the plans. The

In 1991 and 1992, EWG and other conservation groups were told that the Conservation Title evaluation was not among the list of studies that the department chose to conduct under the constraints of Senator Dole's amendment to the 1990 Farm Bill. We were also told that budget limitations precluded proceeding with the study. In our view, SCS was not disposed to evaluate conservation compliance and the other provisions anyway, for the reasons outlined above. Senator Dole's amendment and budget issues were a convenient excuse.

Between passage of the FACT Act and the Fall of 1992, whenever EWG staff and others in the conservation community inquired about the status of conservation compliance, top SCS staff asserted that great progress was being made. What, we asked, was the basis of that claim? How much had erosion been reduced? How many acres were treated with crop residue? What types of practices were in the plans? Were the thousands of plan revisions made every year weakening or strengthening the required conservation systems? When SCS status reviews determined a producer out of compliance, how often were those determinations overturned on appeal to higher levels in SCS?

These were pretty basic questions to ask, we thought, considering that SCS will have spent over $1.77 billion on conservation compliance activities by the end of 1994. In round numbers, that comes to just over $1,000 each for 1.7 million plans.[5] What do taxpayers, farmers and the land have to show for it?

But there were no answers to any of these rudimentary questions. Ranking officials in SCS candidly admitted they had no statistically reliable information, other than simple status review findings of compliance or noncompliance. They did have anecdotes, some which EWG collected and published as conservation compliance "success stories" in 1993.

While SCS was painting a rosy picture of accomplishments to the public, the media and to Congress, field studies conducted by USDA's Inspector General

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evaluations must be conducted on five percent of all affected acreage, or on sufficient acreage to provide a statistically valid survey.
(3) Collect data concerning the social and economic impacts, violations and appeals, and other matters under this title that the Secretary determines to be necessary to assess the overall impact of this title. The data gathering may not impose an additional recordkeeping burden on producers.
(4) Assess the contribution toward the National objectives of wetlands preservation, wildlife and waterfowl habitat improvement, and water quality improvement through the implementation of the relevant provisions of the title; identify obstacles to furthering progress toward those objectives; and, recommend how to overcome those obstacles.
Source: Environmental Working Group. *1990 Farm Bill: Environmental and Consumer Provisions*, Volume II, Detailed Summary (with Excerpts from the Conference Report), p. 60.

[5] Revision of conservation plans was a major cost factor since 1990. Based on SCS status reviews for 1993, our preliminary analysis indicates that 26,124 out of 53,889 tracts (48 percent) reported plan at least one plan revision as of that date. If that is representative of the U.S. total, then over 800,000 compliance plans have been revised, and on average they have been revised more than once (an average of 1.5 times).

and the Soil and Water Conservation Society were consistently documenting a distinctly different situation. As highlighted below, those independent evaluations variously found serious and widespread deficiencies with conservation plans, underreporting of noncompliance by SCS, and failure to apply penalties, nearly all of which had adverse implications for taxpayers and the environment.

It was not until late 1992 that SCS began to implement a plan to gather additional information for the 1993 season about conservation compliance nationwide, beyond the simple status review results previously reported (which told us only how many tracts were in compliance, not actively applying, or in compliance through a variance). SCS also initiated case studies at that time to examine program implementation in selected counties. Both efforts added welcome new information, both were commendable, and both were quite limited in scope.

Overall Assessment: Significant Progress and Serious Problems

What can be said about overall conservation compliance accomplishments, given the extremely limited evaluation information available at this late date?

What the Environmental Working Group stated in our two previous reports certainly holds true in 1994: The weight of available evidence points to very significant erosion control accomplishments on the parts of hundreds of thousands of farmers as a result of the conservation compliance policy. For the majority who have responded to conservation compliance—whether documenting past conservation accomplishments or adopting new erosion control measures—conservation compliance has been an impressive success.

Soil erosion on highly erodible cropland has been reduced on tens of thousands of farms that had virtually no conservation practices in place on their highly erodible fields prior to the Food Security Act. The benefits of these reductions on soil productivity, water quality, and wildlife are still being documented. We believe those benefits have been substantial.

That said, there are some problems we would like to highlight in our testimony that suggest conservation compliance, like any government program, is far from perfect.

Enforcement is Uneven At Best

The Environmental Working Group's Title XII Compliance Database contains status review results for 224,161 tracts spot-checked by SCS between 1991 and 1993 in 2,835 counties. We present a few tabulations from our database here.

A total of 5,308 tracts were initially determined "not actively applying" in that period by SCS, or about 2.4 percent of the total tracts that were spot-checked. As we noted above, status review results *do not* reflect final decisions by SCS or benefit denial decisions by ASCS. The actual number of tracts or farms found not actively applying would be reduced significantly by farmer appeals, but SCS does not have comparable nationwide data on the disposition of appeals.

Sixty percent of the counties in which status reviews were conducted have never reported even a single tract as "not actively applying" a conservation plan (Table 1). Moreover, 66 percent of the conservation plan violations reported by SCS over the past three years came from less ten percent of the counties conducting status reviews (Table 2). Map 1 at the end of our testimony presents the frequency of status reviews by county. As expected, areas with a predominance of highly erodible land have conducted extensive spot checks. But as Map 2 shows, the distribution of not actively applying determinations is very uneven. We believe this uneven distribution is at least in part cause by differences in the rigor with which local, area and state SCS officials implement conservation compliance. We base that conclusion on the fact that the Inspector General's auditors and, before them the evaluation teams fielded by the Soil and Water Conservation Society, found a fairly even pattern of noncompliance across counties, as well as higher rates of noncompliance.

Table 1. Distribution of actively applying determinations in status review counties, 1991-1993.

<table>
<tr><td colspan="3">In 1,709 counties, all of the tracts reviewed by SCS field offices to date have been classified as "actively applying."</td></tr>
<tr><td>Percent of Tracts "Actively Applying"</td><td>Number of Counties</td><td>Percent of Counties With Status Reviews</td></tr>
<tr><td>100%</td><td>1,709</td><td>60%</td></tr>
<tr><td>>=95%</td><td>2,491</td><td>88%</td></tr>
<tr><td>>=90%</td><td>2,699</td><td>95%</td></tr>
<tr><td>>=85%</td><td>2,769</td><td>98%</td></tr>
<tr><td>>=80%</td><td>2,798</td><td>99%</td></tr>
</table>

Source: Compiled by the Environmental Working Group from SCS data.

Table 2. Distribution of not actively applying determinations, 1991-1993.

Number of Tracts Not Actively Applying	Number of Counties	Number of Tracts Reviewed in Selected Counties	Number of Tracts Determined Not Actively Applied	Percent of Tracts Determined Not Actively Applied
0	1,709	78,375	0	0%
1	365	32,852	365	1%
2-5	483	59,728	1,439	2%
6-10	163	28,235	1,220	4%
11-15	53	11,450	672	6%
16-20	31	6,224	555	9%
21 or more	31	7,297	1,057	14%
All Status Reviews	2,835	224,161	5,308	2.4%

Source: Compiled by the Environmental Working Group from SCS data

In 1993, the distribution of SCS's "not actively applying" decisions was even more concentrated — 11 percent of the counties conducting status reviews reported

82 percent of the plan violations. The 1991 and 1992 status review results show similar patterns of concentration in the reporting of plan violations.

Many Alternative Conservation Systems Are Inadequate

Studies by both the Soil and Water Conservation Society and the OIG have indicated serious inadequacies of alternative conservation systems. We will not comment on this vital issue except to call attention to the OIG report of March, 1994 (covering a 1993 review) which is particularly critical of how SCS introduced alternative conservation systems and the potential consequences for erosion control.

SCS Underreports Noncompliance, Defers to Farmers in Appeals

While SCS has improved its status review process since 1993, we continue to believe that the agency is underreporting violations of conservation compliance. Several OIG studies of the status review process in recent years have indicated that noncompliance rates ought to be significantly higher than SCS claims from its spot checks. We believe that since 1991, tens of thousands of farmers have been allowed to delay or weaken conservation compliance plans as a result of improper status review and appeals procedures utilized by SCS. The noncompliance rate may have been 10 percent or higher in 1991, based on OIG findings in 30 counties in 10 states. SCS reported only 1.6 percent noncompliance. OIG estimated that producers selected for status review in the 10 states were not eligible for about $20 million in ASCS payments. But only $421,000 worth of benefits (net of reinstatements) were denied nationwide that year. Data on ASCS benefit denials and violations are presented in Maps 3 through 6.

Our own field work, and investigations we have conducted in response to whistleblower reports made to us, confirmed our concerns over the past year. In the Palouse Region, for example, we observed numerous instances in which initial determinations of noncompliance were improperly reversed at the district or area office level. In Iowa, Nebraska and other states, for example SCS staff implemented a policy that permitted excessive rates of erosion on many fields in clear violation of SCS policy and guidance. It turns out that an unwritten policy, "verbally" approved in Washington, allowed SCS staff to assume that erosion control on erodible or nonerodible fields should compensate for and offset high erosion on HEL fields where conservation was, by all accounts, not up to specifications. We termed it "erosion trading." We have also discovered instances where noncompliance determinations made by county, state and regional SCS technical staff have been overturned, unjustifiably and improperly in our view, by the SCS national office, and in one instance by Secretary of Agriculture Madigan in the closing days of the Bush Administration.

To our knowledge USDA is still not able to track violations and appeals as they meander through the dual SCS and ASCS administrative processes for FSA enforcement. That interagency tracking system is still in development, but in simplest terms this means SCS and ASCS cannot say with certainty how many of the farmers found out of compliance in, say, 1991, ever actually lost benefits. (As a result, we present in our district-level print outs the results of the initial ASCS violation tracking system, which was not reconciled with SCS compliance records.)

On the SCS side, no system is in place nationally to track SCS determinations and appeals. Our best information, based on data from SCS headquarters, suggests that thousands of HEL and wetlands noncompliance determinations, and HEL or wetlands delineations, are overturned in favor of producers every year on appeal. Most of those appeal decisions are made at the district level (usually a county), but a total of several thousand appeals apparently reach state and national levels. We know from direct experience that appeal results are *not* reflected in status review reports. Thus, the "not actively applying" determinations that SCS reports (and that we reproduce here) do not represent final SCS decisions. Many fewer farmers would be found out of compliance after SCS appeals are completed, and of those noncompliers, even fewer would be denied benefits by ASCS or other agencies.

In that vein, we would also note that the Farmers Home Administration and the Federal Crop Insurance Corporation do not have reliable reporting mechanisms to document results of farmer noncompliance on program benefits provided by those agencies.

Erosion Reduction Estimates

In the 1986 SCS environmental analysis that resulted in the current definition of highly erodible land used for conservation compliance, the agency estimated that about one third of the 118 million acres of HEL subject to the policy was eroding at rates at or below the soil loss tolerance in the early 1980s.[6] In other words, about one third of the land already was in compliance by that rigorous standard. That is an important baseline to keep in mind when assessing accomplishments to date, specifically the erosion reduction and plan implementation estimates that SCS has reported for its 1993 status reviews.

Moreover, the erosion reduction estimates from SCS are not always for conditions as observed in 1993, but for the conditions expected when the plans are fully implemented by the end of 1994. Nationally, SCS estimates only about 69 percent of the plans were fully applied as of 1993. In many states the percentage is significantly lower.

SCS has reported the average erosion reduction for the United States and for individual states when plans are fully implemented. For the nation, SCS projects a 66 percent reduction of erosion on HEL cropland. Based on our preliminary analysis, it appears that erosion reductions are exaggerated in some states. We have also brought some anomalies in the data to the attention of SCS, anomalies that suggest the need for a closer look and additional verification of erosion reduction estimates. For example, SCS status review data show erosion rates actually declining after sodbusting on a large percentage of sodbusted tracts.

We analyzed the 1993 in greater detail to determine the distribution of HEL fields by post-plan erosion rate. The results, presented in Table 3, indicate how averages can deceive.

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[6] These results were derived from estimates in of the 1982 National Resources Inventory. The total acreage affected by conservation compliance exceeds 140 million acres because of non-HEL acreage within HEL fields under the current predominance rule.

First, it would appear that as of 1993, 47 percent of the fields and the acres were eroding at rates at or below the tolerance level, compared to the estimated third or more of HEL acreage in that interval prior to conservation compliance. That suggests that an increase of between 15 and 20 percent of the nation's HEL will be in the "below T" category when plans are fully implemented compared to the early 1980s.

Second, Table 3 makes clear that one field in ten, and one acre in 12, will erode at rates three times greater than the T value after plans are implemented. Over 2 percent of the fields and 1.3 percent of acres will still erode at rates 5 times greater than T. If the 1993 results are representative, that means 11.5 million acres will be eroding at rates of 3T or more, and 1.8 million acres will erode at rates of 5T or greater.

Table 3. Erosion rates on HEL cropland fields from 1993 SCS status reviews. About one field in 10 will erode in excess of 3 times the soil loss tolerance when plans are fully implemented.

Erosion Interval	Fields in Erosion Interval	Percent of Fields	Acres in Erosion Interval	Percent of Acres
T or below	55, 785	47.4%	2,093,384	46.5%
>T and < 2T	33,175	28.2%	1,348,947	29.9%
> or = 2T	28,566	24.0%	1,057,697	23.5%
> or = 3T	11,246	9.6%	367,345	8.2%
> or = 4T	4,945	4.2%	136,708	3.0%
> or = 5T	2,489	2.1%	58,720	1.3%
> or = 6T	1,332	1.1%	31,298	0.7%
Total Fields	117,526		4,500,028	

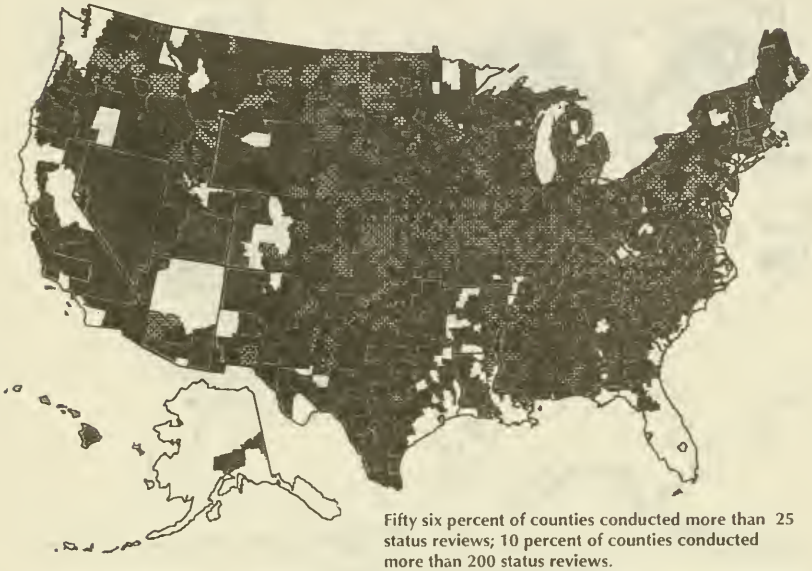
Source: Compiled by the Environmental Working Group from SCS data.

Clearly, despite progress, a significant erosion problem will remain on a significant acreage, even if SCS projections turn out to be accurate.

Mr. Chairman, we thank you again for this opportunity to testify.

(Attachments follow:)

Map 1. Frequency of status reviews per county to check implementation of conservation plans conducted by the Soil Conservation Service from 1991 to 1993.

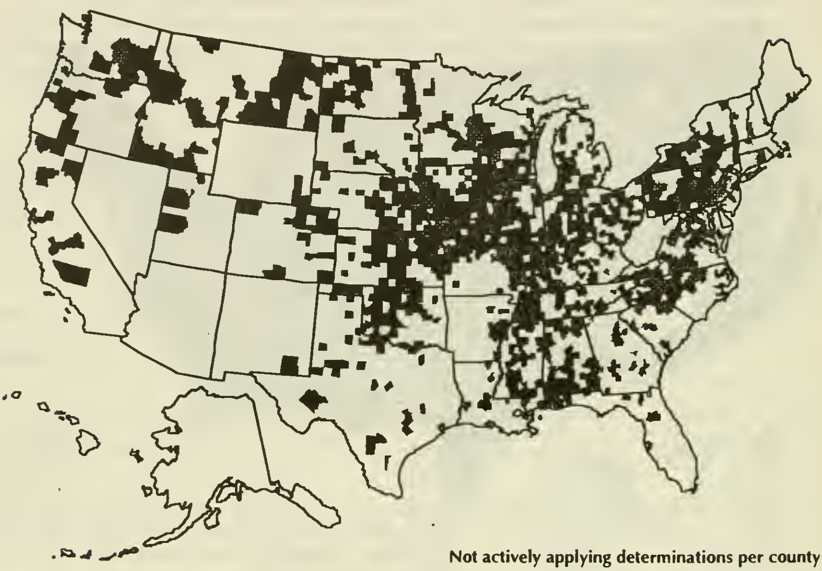


Fifty six percent of counties conducted more than 25 status reviews; 10 percent of counties conducted more than 200 status reviews.

358 counties	□	0 status reviews
1,023 counties	■	1 to 25
955 counties	■	26 to 100
501 counties	▨	101 to 200
304 counties	■	201 to 1,000

Source Compiled by the Environmental Working Group from USDA, Agricultural Stabilization and Conservation Service (ASCS) violations data

Map 2. Soil Conservation Service initial determinations of tracts not actively applying FSA conservation plans: Results of status reviews, 1991 - 1993.



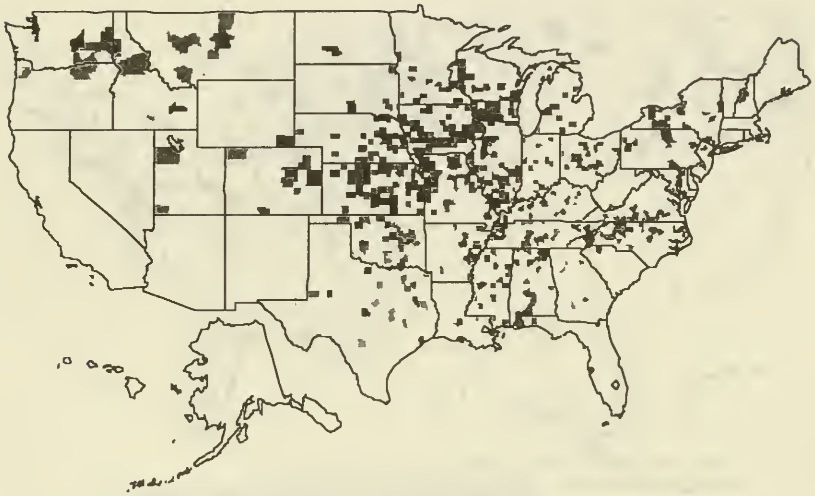
Not actively applying determinations per county

1,709 counties	☐	0 determinations
848 counties	■	1 to 5
163 counties	■	6 to 10
84 counties	▨	11 to 20
31 counties	■	21 to 100

[illegible]

Source: Compiled by the Environmental Working Group from USDA, Agricultural Stabilization and Conservation Service (ASCS) violations data.

Map 3. ASCS initial reports of violations of sodbuster or conservation compliance in 1991 and 1992.

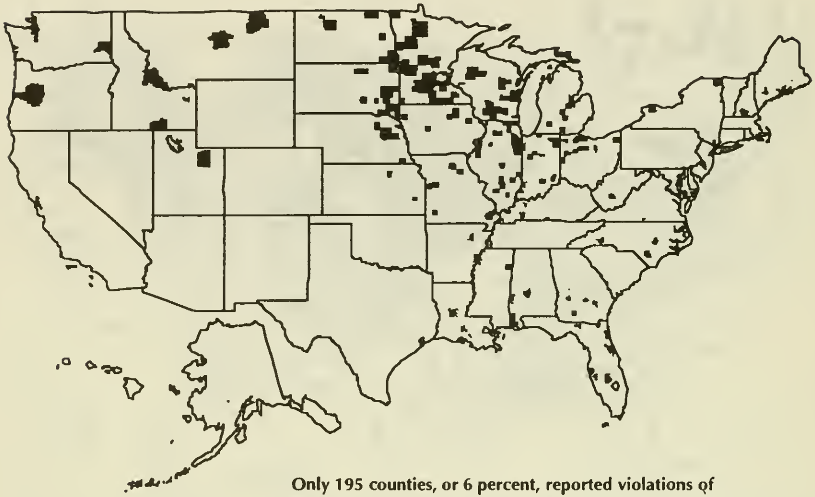


Only 520 counties, or 17 percent, reported violations of sodbuster or conservation compliance in 1993. Half of those counties recorded just one violation.

249 counties	▨	1 violation
148 counties	■	2 to 3 violations
103 counties	■	4 to 10 violations
20 counties	■	11 to 27 violations
2,621 counties	☐	No violations

Source Compiled by the Environmental Working Group from USDA, Agricultural Stabilization and Conservation Service (ASCS) violations data

Map 4. ASCS initial reports of violations of swampbuster (wetlands conservation) in 1991 and 1992.

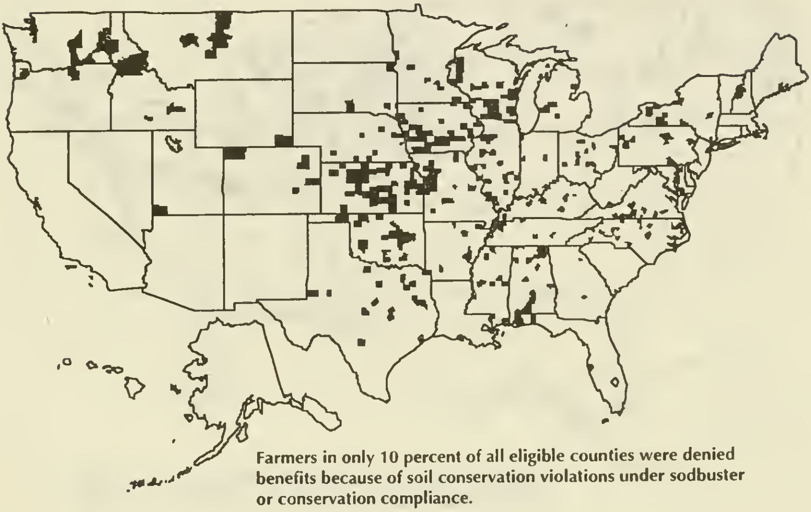


Only 195 counties, or 6 percent, reported violations of sodbuster or conservation compliance in 1991 and 1992. Seventy five percent of those counties recorded just one violation.

144 counties ■ 1 violation
40 counties ■ 2 to 3 violations
11 counties ■ 4 to 10 violations
2,946 counties ▭ No violations

Source Compiled by the Environmental Working Group from USDA, Agricultural Stabilization and Conservation Service (ASCS) violations data

Map 5. Total net ASCS benefits denied to farmers, per county, for violation of sodbuster or conservation compliance in 1991 and 1992.



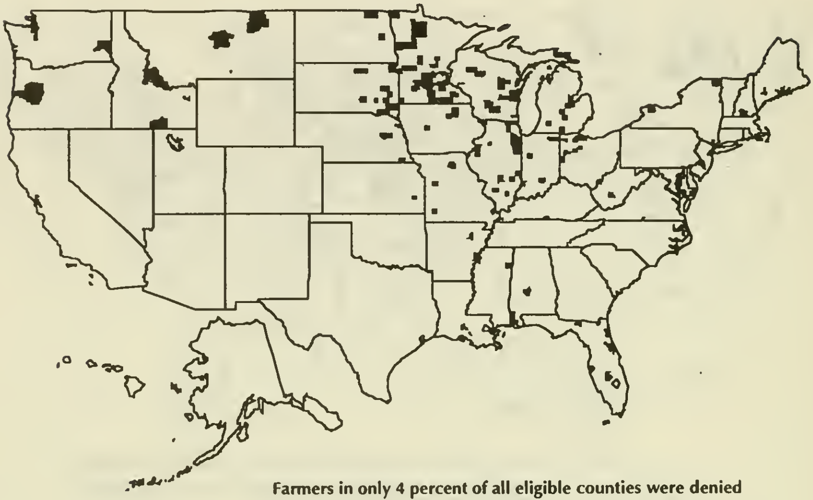
Farmers in only 10 percent of all eligible counties were denied benefits because of soil conservation violations under sodbuster or conservation compliance.

2,814 counties	☐	$0
144 counties	■	$1 to $1,000
140 counties	■	$1,001 to $5,000
23 counties	■	$5,001 to $10,000
19 counties	■	$10,001 to $70,000

U.S. total net benefits denied in 1991 and 1992: $859,924

Source Compiled by the Environmental Working Group from USDA, Agricultural Stabilization and Conservation Service (ASCS) violations data

Map 6. Total net ASCS benefits denied to farmers, per county, for violation of swampbuster (wetlands conservation) in 1991 and 1992.



Farmers in only 4 percent of all eligible counties were denied benefits because of a wetland violation under the swampbuster provision.

3,005 counties	☐	$0
36 counties	■	$1 to $1,000
61 counties	■	$1,001 to $5,000
17 counties	■	$5,001 to $10,000
22 counties	■	$10,001 to $152,497

U.S. total net benefits denied in 1991 and 1992: $977,379

Source: Compiled by the Environmental Working Group from USDA, Agricultural Stabilization and Conservation Service (ASCS) violations data

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Summary Information

By Congressional District

Prepared for the
Subcommittee on Environment, Credit and Rural Development
House Committee on Agriculture

Addendum to Testimony
Presented by
Environmental Working Group & National Audubon Society

August 11, 1993

Washington, D.C.

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A Project of the Tides Foundation

Conservation Compliance Summary, Subcommittee on Environment, Credit, and Rural Development

Representative	Number of Tracts with Status Review(a)	Tracts Not Actively Applying(a)	Number of Farms Reported in Violation to ASCS		Net ASCS Benefits Denied(b)	Participants Receiving Payments Under ASCS Programs(a)	Total Payments** Made Under ASCS Programs(a)
			Number(b)	Acres(b)			
Pat Roberts R-KS-1 *	8,428	147	60	5,430	$55,569	238,167	$1,682,459,905
Bill Barrett R-NE-3 *	7,594	66	20	1,051	$14,885	150,172	$1,287,533,521
Wayne Allard R-CO-4 *	6,311	19	11	12,297	$125,397	53,088	$585,051,302
Earl Ralph Pomeroy D-ND-1	6,068	85	5	5,414	$0	163,833	$1,539,036,449
Thomas J. III Barlow D-KY-1	5,242	110	57	3,441	$6,699	46,603	$166,371,088
Frank D. Lucas R-OK-6*	5,115	59	14	3,508	$41,218	90,994	$607,888,658
Tim Johnson D-SD-1	4,438	17	5	728	$3,200	138,339	$977,114,450
Steven Gunderson R-WI-3 *	4,189	103	54	2,414	$8,655	54,556	$180,835,014
Jim Nussle R-IA-2	3,327	70	13	273	($8,093)	81,725	$616,438,598
Bill Sarpalius D-TX-13 *	2,297	15	2	147	$4,141	77,783	$793,025,534
Larry Combest R-TX-19 *	2,139	9	1	2,959	$5,000	47,937	$691,589,828
Timothy J. Penny D-MN-1 *	2,107	16	10	249	$4,631	55,381	$393,037,771
Henry Scott Baesler D-KY-6*	1,984	12	2	5	$12,413	7,242	$10,697,393
Eva Clayton D-NC-1*	1,743	42	17	203	$0	32,263	$143,163,984
E. (Kika) de la Garza D-TX-15 *	1,627	1	0	0	$0	18,158	$162,180,848
Jill Long D-IN-4 *	1,454	79	1	22	$0	23,344	$101,661,958
David Minge D-MN-2 *	1,277	13	20	457	$2,952	90,313	$632,802,186
Collin C. Peterson D-MN-7 *	1,166	15	7	566	$2,645	72,276	$614,339,531
Bennie Thompson D-MS-2 *	1,138	25	6	304	$5,910	26,194	$659,169,057
Robert Jay Inslee D-WA-4 *	1,123	25	21	3,608	$19,463	17,828	$232,582,352
Nick Smith R-MI-7 *	935	35	9	234	$238	21,641	$120,261,858
Timothy Holden D-PA-6*	839	47	0	0	$0	3,815	$14,392,492
Thomas W. Ewing R-IL-15 *	829	11	4	436	$0	75,654	$367,997,138
Earl Frederick Hilliard D-AL-7 *	379	14	2	278	$287	8,058	$54,755,799
Cynthia McKinney D-GA-11 *	317	2	0	0	$0	10,467	$58,559,450
Jay Dickey R-AR-4	225	1	2	54	$2,277	15,457	$306,864,688
Sam Farr D-CA-17*	57	0	0	0	$0	1,174	$9,126,406
Richard Pombo R-CA-11*	40	4	0	0	$0	2,773	$36,665,237
Karen Thurman D-FL-5*	12	1	0	0	$0	3,181	$17,507,619
Subtotal	72,400	1,043	343	44,078	$307,487	1,628,416	$13,063,110,114
National Total	224,159	5,308	1,504	115,749	$859,924	4,144,520	$29,343,754,590

Source: Environmental Working Group, compiled from USDA data.
a: Data for 1991 through 1993.
b: Data for 1991 and 1992 only.

* *Congressional districts that have one or more counties not fully contained within the district. In this tabulation, data for such "partial counties" are included in the district as whole counties. This may result in double-counting and overestimation in some cases.*

***Note: Not all farmers are subject to HEL conservation requirements.*

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

United States Total

Tract-Level Results From SCS Status Reviews	1991		1992		1993	
	Tracts	Percent	Tracts	Percent	Tracts	Percent
Number of tracts receiving to a status review:	71,202	100	99,068	100	53,889	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		23,892	44.3
Actively applying and maintaining conservation plan:	58,346	81.9	84,497	85.2	16,161	29.9
Using substitute practices:	1,917	2.6	4,646	4.6	4,318	8.0
Variance: Severe and unusual conditions:	415	0.5	921	0.9	877	1.6
Variance: Extreme personal hardship:	46	0.0	55	0.0	90	0.1
Variance: Effect of not actively applying is minimal:	678	0.9	1,778	1.7	1,339	2.4
Variance: Plan revision needed for clarity (1991 only):	8,345	11.7	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		3,485	3.5	5,478	10.1
Not Actively Applying:	1,140	1.6	2,434	2.4	1,734	3.2

ASCS Reports of Highly Erodible Land Violations	Number	Acres	Number	Acres	Number	Acres
Number of farms in violation reported to ASCS:	726	55,030	778	60,719	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	538		933			
Amount of ASCS benefits initially denied:	$1,175,690		$1,509,034			
Amount of ASCS benefits reinstated after appeal:	$754,436		1070,363			
Net ASCS benefits denied:	$421,253		$438,671			

Total ASCS Payments to Farmers[2]	Participants	Dollars	Participants	Dollars	Participants	Dollars
Participants receiving payments under ASCS programs:	1,366,404		1,399,013		1,379,103	
Total payments made under ASCS programs:		$ 8,138,315,480		$ 8,153,091,895		$13,052,347,215
Average payment per recipient under ASCS programs:		$ 5,956		$ 5,827		$ 9,464

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed.	120,232	100.0	
HELC fields fully applied:	58,526	48.6	
HELC fields actively applying	43,232	35.9	
HELC fields using substitute practices.	9,970	8.2	
Variance: Severe and unusual conditions	1,963	1.6	
Variance: Extreme personal hardship:	170	0.1	
Variance: Effect of not actively applying is minimal	2,317	1.9	
Plan Not Needed	520	0.4	
Not Actively Applying	3,538	2.9	
Fields where scheduled or substitute conservation practices were not applied.	14,719	12.2	457,129
Fields where scheduled or substitute conservation practices were not maintained	17,408	14.4	603,987
Average T value for HELC fields reviewed in 1993	4.3		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	17.8		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	6.1		
Fields requiring structural practices to control erosion:	18,295	15.2	677,819
Fields using crop residue in FSA plan to control erosion	62,522	52.0	3,017,914
Average percentage of crop residue planned	% 34.7		
Average percentage of crop residue measured	% 44.6		
Fields where wind erosion is not addressed by FSA plan	507	0.4	23,229
Fields where ephemeral erosion is not addressed by plan	2,408	2.0	111,855
Fields where gully erosion is not addressed by plan	1,403	1.1	78,645
Fields where sheet and rill erosion is not addressed by plan	1,752	1.4	45,264

Source Environmental Working Group, compiled from USDA data.

Footnotes

** Denotes congressional districts that have one or more counties not fully contained within the district In this tabulation, data for such "partial counties" are included in the district as a whole*

2 Not all farmers are subject to HEL conservation requirements

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Wayne Allard R-CO-4 *

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	1,905	100	2,753	100	1,653	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		898	54.3
Actively applying and maintaining conservation plan:	1,692	88.8	2,354	85.5	447	27.0
Using substitute practices:	9	0.4	82	2.9	97	5.8
Variance: Severe and unusual conditions:	18	0.9	55	2.0	31	1.8
Variance: Extreme personal hardship:	0		2	0.0	1	0.0
Variance: Effect of not actively applying is minimal:	28	1.4	57	2.0	40	2.4
Variance: Plan revision needed for clarity (1991 only):	150	7.8	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		75	2.7	132	7.9
Not Actively Applying:	8	0.4	4	0.1	7	0.4

ASCS Reports of Highly Erodible Land Violations	1991 Number	1991 Acres	1992 Number	1992 Acres	1993 Number	1993 Acres
Number of farms in violation reported to ASCS:	10	12,128	1	169	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	7		1			
Amount of ASCS benefits initially denied:	$ 123,897		$ 18,361			
Amount of ASCS benefits reinstated after appeal:	$ 3,500		$ 13,361			
Net ASCS benefits denied:	$120,397		$ 5,000			

Total ASCS Payments to Farmers[2]	1991 Participants	1991 Dollars	1992 Participants	1992 Dollars	1993 Participants	1993 Dollars
Participants receiving payments under ASCS programs:	18,344		16,447		18,297	
Total payments made under ASCS programs:		$ 206,826,345		$ 146,083,822		$ 232,141,135
Average payment per recipient under ASCS programs:		$ 11,274		$ 8,882		$ 12,687

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	2,874	100.0	
HELC fields fully applied	1,963	68.3	
HELC fields actively applying:	581	20.2	
HELC fields using substitute practices:	185	6.4	
Variance: Severe and unusual conditions:	51	1.7	
Variance: Extreme personal hardship	8	0.2	
Variance: Effect of not actively applying is minimal	60	2.0	
Plan Not Needed	16	0.5	
Not Actively Applying:	10	0.3	
Fields where scheduled or substitute conservation practices were not applied	116	4.0	22,308
Fields where scheduled or substitute conservation practices were not maintained	153	5.3	28,996
Average T value for HELC fields reviewed in 1993	4.9		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year).	22.0		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	7.4		
Fields requiring structural practices to control erosion	73	2.5	0
Fields using crop residue in FSA plan to control erosion:	2,131	74.1	336,041
Average percentage of crop residue planned	% 28.2		
Average percentage of crop residue measured	% 19.3		
Fields where wind erosion is not addressed by FSA plan:	5	0.1	718
Fields where ephemeral erosion is not addressed by plan	39	1.3	8,726
Fields where gully erosion is not addressed by plan	66	2.3	15,504
Fields where sheet and rill erosion is not addressed by plan	11	0.3	3,207

Source Environmental Working Group, compiled from USDA data

Footnotes

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[2] Not all farmers are subject to HEL conservation requirements.

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Henry Scott Baesler D-KY-6 *

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	717	100	883	100	384	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		143	37.2
Actively applying and maintaining conservation plan:	676	94.2	855	96.8	182	47.4
Using substitute practices:	3	0.4	13	1.4	4	1.0
Variance: Severe and unusual conditions:	0		0		0	
Variance: Extreme personal hardship:	0		0		1	0.2
Variance: Effect of not actively applying is minimal:	0		1	0.1	8	2.0
Variance: Plan revision needed for clarity (1991 only):	30	4.1	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		10	1.1	45	11.7
Not Actively Applying:	8	1.1	3	0.3	1	0.2

ASCS Reports of Highly Erodible Land Violations	1991 Number	1991 Acres	1992 Number	1992 Acres	1993 Number	1993 Acres
Number of farms in violation reported to ASCS:	2	5	0	0	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	4		0			
Amount of ASCS benefits initially denied:	$ 12,413		$ 0			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 0			
Net ASCS benefits denied:	$ 12,413		$ 0			

Total ASCS Payments to Farmers [2]	1991 Participants	1991 Dollars	1992 Participants	1992 Dollars	1993 Participants	1993 Dollars
Participants receiving payments under ASCS programs:	2,425		2,671		2,146	
Total payments made under ASCS programs:		$ 3,498,832		$ 3,053,553		$ 4,145,008
Average payment per recipient under ASCS programs:		$ 1,442		$ 1,143		$ 1,931

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	1,632	100.0	
HELC fields fully applied:	756	46.3	
HELC fields actively applying:	845	51.7	
HELC fields using substitute practices:	12	0.7	
Variance: Severe and unusual conditions:	0	0.0	
Variance: Extreme personal hardship	2	0.1	
Variance: Effect of not actively applying is minimal.	14	0.8	
Plan Not Needed.	2	0.1	
Not Actively Applying	1	0.0	
Fields where scheduled or substitute conservation practices were not applied	285	17.4	2,491
Fields where scheduled or substitute conservation practices were not maintained	336	20.5	3,085
Average T value for HELC fields reviewed in 1993	3.5		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	12.2		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	3.4		
Fields requiring structural practices to control erosion	166	10.1	0
Fields using crop residue in FSA plan to control erosion	331	20.2	7,957
Average percentage of crop residue planned	% 67.4		
Average percentage of crop residue measured	% 74.1		
Fields where wind erosion is not addressed by FSA plan:	0	0.0	0
Fields where ephemeral erosion is not addressed by plan	0	0.0	0
Fields where gully erosion is not addressed by plan	5	0.3	54
Fields where sheet and rill erosion is not addressed by plan.	0	0.0	0

Source Environmental Working Group, compiled from USDA data

Footnotes

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[2] Not all farmers are subject to HEL conservation requirements

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Thomas J. Barlow III D-KY-1

Tract-Level Results From SCS Status Reviews	1991		1992		1993	
	Tracts	Percent	Tracts	Percent	Tracts	Percent
Number of tracts receiving to a status review:	2,069	100	2,161	100	1,012	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		676	66.8
Actively applying and maintaining conservation plan:	1,827	88.3	1,999	92.5	151	14.9
Using substitute practices:	32	1.5	62	2.8	54	5.3
Variance: Severe and unusual conditions:	0		0		1	0.1
Variance: Extreme personal hardship:	0		0		0	
Variance: Effect of not actively applying is minimal:	0		12	0.5	34	3.3
Variance: Plan revision needed for clarity (1991 only):	167	8.0	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		44	2.0	71	7.0
Not Actively Applying:	42	2.0	43	1.9	25	2.4

ASCS Reports of Highly Erodible Land Violations	Number	Acres	Number	Acres	Number	Acres
Number of farms in violation reported to ASCS:	36	1,657	21	1,784	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	12		32			
Amount of ASCS benefits initially denied:	$ 6,699		$ 0			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 0			
Net ASCS benefits denied:	$ 6,699		$ 0			

Total ASCS Payments to Farmers[2]	Participants	Dollars	Participants	Dollars	Participants	Dollars
Participants receiving payments under ASCS programs:	15,421		16,301		14,881	
Total payments made under ASCS programs:		$ 49,798,146		$ 49,413,499		$ 67,159,443
Average payment per recipient under ASCS programs:		$ 3,229		$ 3,031		$ 4,513

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	2,021	100.0	
HELC fields fully applied.	1,509	74.6	
HELC fields actively applying:	319	15.7	
HELC fields using substitute practices:	92	4.5	
Variance: Severe and unusual conditions:	1	0.0	
Variance: Extreme personal hardship:	0	0.0	
Variance: Effect of not actively applying is minimal:	60	2.9	
Plan Not Needed:	1	0.0	
Not Actively Applying	39	1.9	
Fields where scheduled or substitute conservation practices were not applied	199	9.8	4,078
Fields where scheduled or substitute conservation practices were not maintained	264	13.0	7,121
Average T value for HELC fields reviewed in 1993	3.7		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	33.3		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	4.9		
Fields requiring structural practices to control erosion	361	17.8	0
Fields using crop residue in FSA plan to control erosion	1,281	63.3	35,918
Average percentage of crop residue planned	% 54.6		
Average percentage of crop residue measured	% 77.3		
Fields where wind erosion is not addressed by FSA plan	0	0.0	0
Fields where ephemeral erosion is not addressed by plan	0	0.0	0
Fields where gully erosion is not addressed by plan	9	0.4	489
Fields where sheet and rill erosion is not addressed by plan:	5	0.2	202

Source Environmental Working Group, compiled from USDA data

Footnotes

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2 Not all farmers are subject to HEL conservation requirements

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Bill Barrett R-NE-3 *

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	2,193	100	3,988	100	1,413	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		926	65.5
Actively applying and maintaining conservation plan:	1,061	48.3	3,642	91.3	147	10.4
Using substitute practices:	41	1.8	133	3.3	85	6.0
Variance: Severe and unusual conditions:	18	0.8	19	0.4	23	1.6
Variance: Extreme personal hardship:	0		3	0.0	1	0.0
Variance: Effect of not actively applying is minimal:	39	1.7	132	3.3	50	3.5
Variance: Plan revision needed for clarity (1991 only):	1,007	45.9	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		0		160	11.3
Not Actively Applying:	20	0.9	25	0.6	21	1.4

ASCS Reports of Highly Erodible Land Violations	1991 Number	1991 Acres	1992 Number	1992 Acres	1993 Number	1993 Acres
Number of farms in violation reported to ASCS:	7	367	13	684	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	8		14			
Amount of ASCS benefits initially denied:	$ 12,300		$ 50,634			
Amount of ASCS benefits reinstated after appeal:	$ 2,515		$ 45,534			
Net ASCS benefits denied:	$ 9,785		$ 5,100			

Total ASCS Payments to Farmers[2]	1991 Participants	1991 Dollars	1992 Participants	1992 Dollars	1993 Participants	1993 Dollars
Participants receiving payments under ASCS programs:	51,016		50,141		49,015	
Total payments made under ASCS programs.		$ 358,503,485		$ 346,806,267		$ 582,223,769
Average payment per recipient under ASCS programs:		$ 7,027		$ 6,916		$ 11,878

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	3,055	100.0	
HELC fields fully applied:	2,334	76.4	
HELC fields actively applying:	333	10.9	
HELC fields using substitute practices.	196	6.4	
Variance: Severe and unusual conditions:	55	1.8	
Variance: Extreme personal hardship.	1	0.0	
Variance. Effect of not actively applying is minimal.	103	3.3	
Plan Not Needed	3	0.1	
Not Actively Applying:	30	0.9	
Fields where scheduled or substitute conservation practices were not applied	189	6.1	10,463
Fields where scheduled or substitute conservation practices were not maintained	241	7.8	12,563
Average T value for HELC fields reviewed in 1993	4.8		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year).	12.5		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	6.0		
Fields requiring structural practices to control erosion.	217	7.1	0
Fields using crop residue in FSA plan to control erosion	2,476	81.0	152,543
Average percentage of crop residue planned	% 32.1		
Average percentage of crop residue measured:	% 45.4		
Fields where wind erosion is not addressed by FSA plan:	1	0.0	33
Fields where ephemeral erosion is not addressed by plan:	190	6.2	10,135
Fields where gully erosion is not addressed by plan	97	3.1	5,772
Fields where sheet and rill erosion is not addressed by plan:	22	0.7	980

Source Environmental Working Group, compiled from USDA data.

Footnotes

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2 Not all farmers are subject to HEL conservation requirements

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Eva Clayton D-NC-1 *

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	456	100	598	100	689	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		270	39.1
Actively applying and maintaining conservation plan:	368	80.7	551	92.1	200	29.0
Using substitute practices:	6	1.3	5	0.8	113	16.4
Variance: Severe and unusual conditions:	1	0.2	0		3	0.4
Variance: Extreme personal hardship:	0		0		0	
Variance: Effect of not actively applying is minimal:	0		3	0.5	50	7.2
Variance: Plan revision needed for clarity (1991 only):	81	17.7	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		1	0.1	28	4.0
Not Actively Applying:	0		17	2.8	25	3.6

ASCS Reports of Highly Erodible Land Violations	1991 Number	1991 Acres	1992 Number	1992 Acres	1993 Number	1993 Acres
Number of farms in violation reported to ASCS.	7	61	10	142	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	7		8			
Amount of ASCS benefits initially denied:	$ 0		$ 0			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 0			
Net ASCS benefits denied:	$ 0		$ 0			

Total ASCS Payments to Farmers [2]	1991 Participants	1991 Dollars	1992 Participants	1992 Dollars	1993 Participants	1993 Dollars
Participants receiving payments under ASCS programs:	11,150		10,475		10,638	
Total payments made under ASCS programs:		$ 27,114,128		$ 38,100,914		$ 77,948,942
Average payment per recipient under ASCS programs:		$ 2,431		$ 3,637		$ 7,327

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	2,193	100.0	
HELC fields fully applied.	928	42.3	
HELC fields actively applying	769	35.0	
HELC fields using substitute practices:	314	14.3	
Variance Severe and unusual conditions	7	0.3	
Variance Extreme personal hardship:	0	0.0	
Variance Effect of not actively applying is minimal	107	4.8	
Plan Not Needed	20	0.9	
Not Actively Applying	48	2.1	
Fields where scheduled or substitute conservation practices were not applied:	383	17.4	2,602
Fields where scheduled or substitute conservation practices were not maintained:	477	21.7	3,525
Average T value for HELC fields reviewed in 1993	3.5		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	25.7		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	8.0		
Fields requiring structural practices to control erosion	701	31.9	0
Fields using crop residue in FSA plan to control erosion	811	37.0	5,091
Average percentage of crop residue planned:	% 16.1		
Average percentage of crop residue measured	% 54.9		
Fields where wind erosion is not addressed by FSA plan	0	0.0	0
Fields where ephemeral erosion is not addressed by plan	16	0.7	121
Fields where gully erosion is not addressed by plan	10	0.4	101
Fields where sheet and rill erosion is not addressed by plan	3	0.1	15

Source Environmental Working Group, compiled from USDA data

Footnotes

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2 Not all farmers are subject to HEL conservation requirements

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Larry Combest R-TX-19 *

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	578	100	897	100	664	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		529	79.6
Actively applying and maintaining conservation plan:	574	99.3	864	96.3	93	14.0
Using substitute practices:	1	0.1	8	0.8	5	0.7
Variance: Severe and unusual conditions:	0		0		9	1.3
Variance: Extreme personal hardship:	0		0		0	
Variance: Effect of not actively applying is minimal:	0		0		0	
Variance: Plan revision needed for clarity (1991 only):	2	0.3	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		13	1.4	28	4.2
Not Actively Applying:	1	0.1	8	0.8	0	

ASCS Reports of Highly Erodible Land Violations	1991 Number	1991 Acres	1992 Number	1992 Acres	1993 Number	1993 Acres
Number of farms in violation reported to ASCS:	0	0	1	2,959	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	0		2			
Amount of ASCS benefits initially denied:	$ 0		$ 43,342			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 38,342			
Net ASCS benefits denied:	$ 0		$ 5,000			

Total ASCS Payments to Farmers [2]	1991 Participants	1991 Dollars	1992 Participants	1992 Dollars	1993 Participants	1993 Dollars
Participants receiving payments under ASCS programs:	17,033		14,084		16,820	
Total payments made under ASCS programs:		$ 176,959,836		$ 199,285,268		$ 315,344,724
Average payment per recipient under ASCS programs:		$ 10,389		$ 14,149		$ 18,748

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	1,176	100.0	
HELC fields fully applied:	1,009	85.8	
HELC fields actively applying:	139	11.8	
HELC fields using substitute practices:	7	0.6	
Variance: Severe and unusual conditions:	18	1.5	
Variance: Extreme personal hardship:	0	0.0	
Variance: Effect of not actively applying is minimal.	0	0.0	
Plan Not Needed:	3	0.2	
Not Actively Applying:	0	0.0	
Fields where scheduled or substitute conservation practices were not applied:	41	3.4	9,897
Fields where scheduled or substitute conservation practices were not maintained.	275	23.3	49,859
Average T value for HELC fields reviewed in 1993:	4.9		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	45.7		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	8.2		
Fields requiring structural practices to control erosion	39	3.3	0
Fields using crop residue in FSA plan to control erosion	826	70.2	159,809
Average percentage of crop residue planned	% 41.2		
Average percentage of crop residue measured	% 52.3		
Fields where wind erosion is not addressed by FSA plan:	0	0.0	0
Fields where ephemeral erosion is not addressed by plan	0	0.0	0
Fields where gully erosion is not addressed by plan	5	0.4	1,055
Fields where sheet and rill erosion is not addressed by plan	0	0.0	0

Source. Environmental Working Group, compiled from USDA data

Footnotes

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Conservation Compliance Report

Jay Dickey R-AR-4

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent*	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	51	100	51	100	123	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		54	43.9
Actively applying and maintaining conservation plan:	48	94.1	47	92.1	50	40.6
Using substitute practices:	1	1.9	1	1.9	2	1.6
Variance: Severe and unusual conditions:	1	1.9	0		0	
Variance: Extreme personal hardship:	0		0		0	
Variance: Effect of not actively applying is minimal:	0		1	1.9	0	
Variance: Plan revision needed for clarity (1991 only):	1	1.9	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		0		17	13.8
Not Actively Applying:	0		1	1.9	0	

ASCS Reports of Highly Erodible Land Violations	1991 Number	1991 Acres	1992 Number	1992 Acres	1993 Number	1993 Acres
Number of farms in violation reported to ASCS:	0	0	2	54	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	0		2			
Amount of ASCS benefits initially denied:	$ 0		$ 2,570			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 293			
Net ASCS benefits denied:	$ 0		$ 2,277			

Total ASCS Payments to Farmers [2]	1991 Participants	1991 Dollars	1992 Participants	1992 Dollars	1993 Participants	1993 Dollars
Participants receiving payments under ASCS programs:	4,757		5,473		5,227	
Total payments made under ASCS programs:		$ 72,677,599		$ 99,258,498		$ 134,928,591
Average payment per recipient under ASCS programs:		$ 15,278		$ 18,136		$ 25,813

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	212	100.0	
HELC fields fully applied:	83	39.1	
HELC fields actively applying:	127	59.9	
HELC fields using substitute practices.	2	0.9	
Variance: Severe and unusual conditions:	0	0.0	
Variance: Extreme personal hardship.	0	0.0	
Variance: Effect of not actively applying is minimal:	0	0.0	
Plan Not Needed	0	0.0	
Not Actively Applying:	0	0.0	
Fields where scheduled or substitute conservation practices were not applied:	1	0.4	11
Fields where scheduled or substitute conservation practices were not maintained:	100	47.1	4,043
Average T value for HELC fields reviewed in 1993.	3.5		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	17.0		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	2.6		
Fields requiring structural practices to control erosion	1	0.4	0
Fields using crop residue in FSA plan to control erosion.	97	45.7	3,946
Average percentage of crop residue planned.	% 34.4		
Average percentage of crop residue measured	% 63.3		
Fields where wind erosion is not addressed by FSA plan	0	0.0	0
Fields where ephemeral erosinn is not addressed by plan	0	0.0	0
Fields where gully erosion is not addressed by plan	0	0.0	0
Fields where sheet and rill erosion is not addressed by plan	3	1.4	152

Source Environmental Working Group, compiled from USDA data

Footnotes

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2 Not all farmers are subject to HEL conservation requirements

ENVIRONMENTAL WORKING GROUP ™

Conservation Compliance Report

Thomas W. Ewing R-IL-15 *

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	210	100	401	100	218	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		95	43.5
Actively applying and maintaining conservation plan:	152	72.3	241	60.1	64	29.3
Using substitute practices:	0		12	2.9	8	3.6
Variance: Severe and unusual conditions:	0		46	11.4	8	3.6
Variance: Extreme personal hardship:	0		0		0	
Variance: Effect of not actively applying is minimal:	0		3	0.7	2	0.9
Variance: Plan revision needed for clarity (1991 only):	56	26.6	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		94	23.4	35	16.0
Not Actively Applying:	0		5	1.2	6	2.7

ASCS Reports of Highly Erodible Land Violations	1991 Number	1991 Acres	1992 Number	1992 Acres	1993 Number	1993 Acres
Number of farms in violation reported to ASCS:	4	436	0	0	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	0		0			
Amount of ASCS benefits initially denied:	$ 0		$ 0			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 0			
Net ASCS benefits denied:	$ 0		$ 0			

Total ASCS Payments to Farmers[2]	1991 Participants	1991 Dollars	1992 Participants	1992 Dollars	1993 Participants	1993 Dollars
Participants receiving payments under ASCS programs:	25,142		25,502		25,010	
Total payments made under ASCS programs:		$ 86,926,262		$ 103,796,037		$ 177,274,839
Average payment per recipient under ASCS programs:		$ 3,457		$ 4,070		$ 7,088

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed	317	100.0	
HELC fields fully applied:	167	52.6	
HELC fields actively applying:	113	35.6	
HELC fields using substitute practices:	11	3.4	
Variance: Severe and unusual conditions.	15	4.7	
Variance: Extreme personal hardship	0	0.0	
Variance: Effect of not actively applying is minimal	3	0.9	
Plan Not Needed:	0	0.0	
Not Actively Applying:	8	2.5	
Fields where scheduled or substitute conservation practices were not applied:	41	12.9	1,995
Fields where scheduled or substitute conservation practices were not maintained:	61	19.2	2,841
Average T value for HELC fields reviewed in 1993	4.1		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	14.3		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	4.3		
Fields requiring structural practices to control erosion	74	23.3	0
Fields using crop residue in FSA plan to control erosion	277	87.3	12,559
Average percentage of crop residue planned	% 43.3		
Average percentage of crop residue measured	% 45.5		
Fields where wind erosion is not addressed by FSA plan:	0	0.0	0
Fields where ephemeral erosion is not addressed by plan	3	0.9	419
Fields where gully erosion is not addressed by plan	3	0.9	211
Fields where sheet and rill erosion is not addressed by plan	0	0.0	0

Source Environmental Working Group, compiled from USDA data

Footnotes

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ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Sam Farr D-CA-17 *

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	11	100	35	100	11	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		2	18.1
Actively applying and maintaining conservation plan:	0		15	42.8	7	63.6
Using substitute practices:	0		2	5.7	2	18.1
Variance: Severe and unusual conditions:	0		0		0	
Variance: Extreme personal hardship:	0		0		0	
Variance: Effect of not actively applying is minimal:	0		0		0	
Variance: Plan revision needed for clarity (1991 only):	11	100.0	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		1	2.8	0	
Not Actively Applying:	0		0		0	

ASCS Reports of Highly Erodible Land Violations	1991 Number	1991 Acres	1992 Number	1992 Acres	1993 Number	1993 Acres
Number of farms in violation reported to ASCS:	0	0	0	0	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	0		0			
Amount of ASCS benefits initially denied:	$ 0		$ 0			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 0			
Net ASCS benefits denied:	$ 0		$ 0			

Total ASCS Payments to Farmers [2]	1991 Participants	1991 Dollars	1992 Participants	1992 Dollars	1993 Participants	1993 Dollars
Participants receiving payments under ASCS programs:	492		375		307	
Total payments made under ASCS programs:		$ 3,811,743		$ 2,515,644		$ 2,799,019
Average payment per recipient under ASCS programs:		$ 7,747		$ 6,708		$ 9,117

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	25	100.0	
HELC fields fully applied:	0	0.0	
HELC fields actively applying:	22	88.0	
HELC fields using substitute practices:	3	12.0	
Variance: Severe and unusual conditions:	0	0.0	
Variance. Extreme personal hardship:	0	0.0	
Variance: Effect of not actively applying is minimal:	0	0.0	
Plan Not Needed:	0	0.0	
Not Actively Applying.	0	0.0	
Fields where scheduled or substitute conservation practices were not applied	1	4.0	59
Fields where scheduled or substitute conservation practices were not maintained	3	12.0	152
Average T value for HELC fields reviewed in 1993	2.9		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year).	19.5		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	4.8		
Fields requiring structural practices to control erosion.	0	0.0	0
Fields using crop residue in FSA plan to control erosion	2	8.0	56
Average percentage of crop residue planned	% 30.0		
Average percentage of crop residue measured	% 95.0		
Fields where wind erosion is not addressed by FSA plan	0	0.0	0
Fields where ephemeral erosion is not addressed by plan	0	0.0	0
Fields where gully erosion is not addressed by plan	1	4.0	234
Fields where sheet and rill erosion is not addressed by plan	0	0.0	0

Footnotes

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2 Not all farmers are subject to HEL conservation requirements

urce Environmental Working Group, compiled from USDA data

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Conservation Compliance Report

E. (Kika) de la Garza D-TX-15 *

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	336	100	727	100	564	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		480	85.1
Actively applying and maintaining conservation plan:	327	97.3	605	83.2	18	3.1
Using substitute practices:	3	0.8	10	1.3	5	0.8
Variance: Severe and unusual conditions:	0		0		0	
Variance: Extreme personal hardship:	0		0		0	
Variance: Effect of not actively applying is minimal:	6	1.7	3	0.4	10	1.7
Variance: Plan revision needed for clarity (1991 only):	0		Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		106	14.5	50	8.8
Not Actively Applying:	0		0		1	0.1
ASCS Reports of Highly Erodible Land Violations	Number	Acres	Number	Acres	Number	Acres
Number of farms in violation reported to ASCS:	0	0	0	0	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	0		0			
Amount of ASCS benefits initially denied:	$ 0		$ 0			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 0			
Net ASCS benefits denied:	$ 0		$ 0			
Total ASCS Payments to Farmers [2]	Participants	Dollars	Participants	Dollars	Participants	Dollars
Participants receiving payments under ASCS programs:	5,855		6,461		5,842	
Total payments made under ASCS programs:		$ 25,682,824		$ 59,843,054		$ 76,654,970
Average payment per recipient under ASCS programs.		$ 4,386		$ 9,262		$ 13,121

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	
Highly Erodible Cropland (HELC) fields reviewed:	984	100.0	
HELC fields fully applied:	913	92.7	
HELC fields actively applying:	39	3.9	
HELC fields using substitute practices	5	0.5	
Variance: Severe and unusual conditions:	0	0.0	
Variance: Extreme personal hardship:	0	0.0	
Variance: Effect of not actively applying is minimal	11	1.1	
Plan Not Needed:	8	0.8	
Not Actively Applying:	8	0.8	Acres
Fields where scheduled or substitute conservation practices were not applied:	17	1.7	1,074
Fields where scheduled or substitute conservation practices were not maintained	16	1.6	1,067
Average T value for HELC fields reviewed in 1993:	4.9		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year).	19.7		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	6.7		
Fields requiring structural practices to control erosion:	15	1.5	0
Fields using crop residue in FSA plan to control erosion	173	17.5	16,115
Average percentage of crop residue planned	% 30.8		
Average percentage of crop residue measured	% 41.9		
Fields where wind erosion is not addressed by FSA plan	8	0.8	528
Fields where ephemeral erosion is not addressed by plan.	10	1.0	1,023
Fields where gully erosion is not addressed by plan	9	0.9	993
Fields where sheet and rill erosion is not addressed by plan:	8	0.8	528

Source Environmental Working Group, compiled from USDA data

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ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Steven Gunderson R-WI-3 *

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	1,655	100	1,902	100	632	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		221	34.9
Actively applying and maintaining conservation plan:	1,447	87.4	1,708	89.8	281	44.4
Using substitute practices:	69	4.1	62	3.2	54	8.5
Variance: Severe and unusual conditions:	5	0.3	4	0.2	23	3.6
Variance: Extreme personal hardship:	6	0.3	0		0	
Variance: Effect of not actively applying is minimal:	32	1.9	28	1.4	8	1.2
Variance: Plan revision needed for clarity (1991 only):	44	2.6	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		59	3.1	31	4.9
Not Actively Applying:	50	3.0	39	2.0	14	2.2

ASCS Reports of Highly Erodible Land Violations	1991 Number	1991 Acres	1992 Number	1992 Acres	1993 Number	1993 Acres
Number of farms in violation reported to ASCS:	13	827	41	1,587	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	11		41			
Amount of ASCS benefits initially denied:	$ 5,363		$ 9,549			
Amount of ASCS benefits reinstated after appeal:	$ 2,234		$ 4,023			
Net ASCS benefits denied:	$ 3,129		$ 5,526			

Total ASCS Payments to Farmers [2]	1991 Participants	1991 Dollars	1992 Participants	1992 Dollars	1993 Participants	1993 Dollars
Participants receiving payments under ASCS programs:	16,635		19,680		18,241	
Total payments made under ASCS programs:		$ 46,911,190		$ 49,793,048		$ 84,130,776
Average payment per recipient under ASCS programs.		$ 2,820		$ 2,530		$ 4,612

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	2,828	100.0	
HELC fields fully applied:	1,054	37.2	
HELC fields actively applying:	1,334	47.1	
HELC fields using substitute practices:	302	10.6	
Variance. Severe and unusual conditions:	69	2.4	
Variance. Extreme personal hardship:	0	0.0	
Variance: Effect of not actively applying is minimal.	15	0.5	
Plan Not Needed:	5	0.1	
Not Actively Applying	49	1.7	
Fields where scheduled or substitute conservation practices were not applied	181	6.4	2,168
Fields where scheduled or substitute conservation practices were not maintained	415	14.6	3,861
Average T value for HELC fields reviewed in 1993:	4.3		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	6.8		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	4.0		
Fields requiring structural practices to control erosion.	47	1.6	0
Fields using crop residue in FSA plan to control erosion	1,453	51.3	18,100
Average percentage of crop residue planned	% 37.0		
Average percentage of crop residue measured	% 30.7		
Fields where wind erosion is not addressed by FSA plan.	0	0.0	0
Fields where ephemeral erosion is not addressed by plan:	122	4.3	1,718
Fields where gully erosion is not addressed by plan:	79	2.7	1,415
Fields where sheet and rill erosion is not addressed by plan	35	1.2	513

Source Environmental Working Group, compiled from USDA data

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[2] Not all farmers are subject to HEL conservation requirements.

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Conservation Compliance Report

Earl Frederick Hilliard D-AL-7 *

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	117	100	122	100	140	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		77	55.0
Actively applying and maintaining conservation plan:	50	42.7	111	90.9	32	22.8
Using substitute practices:	9	7.6	0		11	7.8
Variance: Severe and unusual conditions:	0		2	1.6	1	0.7
Variance: Extreme personal hardship:	0		0		0	
Variance: Effect of not actively applying is minimal:	0		0		4	2.8
Variance: Plan revision needed for clarity (1991 only):	48	41.0	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		0		11	7.8
Not Actively Applying:	7	5.9	3	2.4	4	2.8

ASCS Reports of Highly Erodible Land Violations	1991 Number	1991 Acres	1992 Number	1992 Acres	1993 Number	1993 Acres
Number of farms in violation reported to ASCS:	2	278	0	0	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	1		0			
Amount of ASCS benefits initially denied:	$ 287		$ 0			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 0			
Net ASCS benefits denied:	$ 287		$ 0			

Total ASCS Payments to Farmers [2]	1991 Participants	1991 Dollars	1992 Participants	1992 Dollars	1993 Participants	1993 Dollars
Participants receiving payments under ASCS programs:	3,087		2,458		2,513	
Total payments made under ASCS programs:		$ 16,227,048		$ 18,799,351		$ 19,729,400
Average payment per recipient under ASCS programs:		$ 5,256		$ 7,648		$ 7,850

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed	153	100.0	
HELC fields fully applied:	73	47.7	
HELC fields actively applying	55	35.9	
HELC fields using substitute practices:	12	7.8	
Variance. Severe and unusual conditions.	1	0.6	
Variance Extreme personal hardship	0	0.0	
Variance: Effect of not actively applying is minimal:	6	3.9	
Plan Not Needed	0	0.0	
Not Actively Applying:	6	3.9	
Fields where scheduled or substitute conservation practices were not applied	17	11.1	555
Fields where scheduled or substitute conservation practices were not maintained	18	11.7	562
Average T value for HELC fields reviewed in 1993	3.7		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year).	16.2		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	2.9		
Fields requiring structural practices to control erosion:	21	13.7	0
Fields using crop residue in FSA plan to control erosion.	48	31.3	1,333
Average percentage of crop residue planned	% 50.0		
Average percentage of crop residue measured	% 55.1		
Fields where wind erosion is not addressed by FSA plan	0	0.0	0
Fields where ephemeral erosion is not addressed by plan	0	0.0	0
Fields where gully erosion is not addressed by plan:	0	0.0	0
Fields where sheet and rill erosion is not addressed by plan	3	1.9	94

Source Environmental Working Group, compiled from USDA data

Footnotes

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2 Not all farmers are subject to HEL conservation requirements

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Timothy Holden D-PA-6 *

Tract-Level Results From SCS Status Reviews	1991		1992		1993	
	Tracts	Percent	Tracts	Percent	Tracts	Percent
Number of tracts receiving to a status review:	257	100	296	100	286	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		100	34.9
Actively applying and maintaining conservation plan:	189	73.5	214	72.3	69	24.1
Using substitute practices:	22	8.5	36	12.1	61	21.3
Variance: Severe and unusual conditions:	1	0.3	4	1.3	12	4.2
Variance: Extreme personal hardship:	0		0		1	0.3
Variance: Effect of not actively applying is minimal:	9	3.5	15	5.0	26	9.0
Variance: Plan revision needed for clarity (1991 only):	21	8.1	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		5	1.6	6	2.1
Not Actively Applying:	15	5.8	21	7.0	11	3.8

ASCS Reports of Highly Erodible Land Violations	Number	Acres	Number	Acres	Number	Acres
Number of farms in violation reported to ASCS:	0	0	0	0	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	0		0			
Amount of ASCS benefits initially denied.	$ 0		$ 0			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 0			
Net ASCS benefits denied:	$ 0		$ 0			

Total ASCS Payments to Farmers[2]	Participants	Dollars	Participants	Dollars	Participants	Dollars
Participants receiving payments under ASCS programs:	1,177		1,460		1,178	
Total payments made under ASCS programs:		$ 3,817,889		$ 5,139,798		$ 5,434,805
Average payment per recipient under ASCS programs:		$ 3,243		$ 3,520		$ 4,613

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed	835	100.0	
HELC fields fully applied:	364	43.5	
HELC fields actively applying.	200	23.9	
HELC fields using substitute practices.	162	19.4	
Variance. Severe and unusual conditions	31	3.7	
Variance Extreme personal hardship:	2	0.2	
Variance Effect of not actively applying is minimal	49	5.8	
Plan Not Needed	0	0.0	
Not Actively Applying	27	3.2	
Fields where scheduled or substitute conservation practices were not applied	83	9.9	1,303
Fields where scheduled or substitute conservation practices were not maintained	97	11.6	1,446
Average T value for HELC fields reviewed in 1993	3.0		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	10.3		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	3.3		
Fields requiring structural practices to control erosion.	148	17.7	0
Fields using crop residue in FSA plan to control erosion	597	71.5	10,709
Average percentage of crop residue planned	% 46.7		
Average percentage of crop residue measured	% 49.0		
Fields where wind erosion is not addressed by FSA plan	0	0.0	0
Fields where ephemeral erosion is not addressed by plan	3	0.3	26
Fields where gully erosion is not addressed by plan	9	1.0	189
Fields where sheet and rill erosion is not addressed by plan	4	0.4	58

Source: Environmental Working Group, compiled from USDA data

Footnotes

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2 Not all farmers are subject to HEL conservation requirements

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Robert Jay Inslee D-WA-4 *

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	281	100	375	100	467	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		191	40.9
Actively applying and maintaining conservation plan:	264	93.9	351	93.6	211	45.1
Using substitute practices:	1	0.3	0		6	1.2
Variance: Severe and unusual conditions:	2	0.7	5	1.3	5	1.0
Variance: Extreme personal hardship:	1	0.3	0		0	
Variance: Effect of not actively applying is minimal:	0		4	1.0	5	1.0
Variance: Plan revision needed for clarity (1991 only):	12	4.2	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		0		38	8.1
Not Actively Applying:	0		14	3.7	11	2.3

ASCS Reports of Highly Erodible Land Violations	1991 Number	1991 Acres	1992 Number	1992 Acres	1993 Number	1993 Acres
Number of farms in violation reported to ASCS:	8	2,746	13	862	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	6		10			
Amount of ASCS benefits initially denied:	$ 100,040		$ 12,413			
Amount of ASCS benefits reinstated after appeal:	$ 92,990		$ 0			
Net ASCS benefits denied:	$ 7,050		$ 12,413			

Total ASCS Payments to Farmers [2]	1991 Participants	1991 Dollars	1992 Participants	1992 Dollars	1993 Participants	1993 Dollars
Participants receiving payments under ASCS programs:	5,624		5,762		6,442	
Total payments made under ASCS programs:		$ 86,806,145		$ 54,784,617		$ 90,991,590
Average payment per recipient under ASCS programs:		$ 15,434		$ 9,507		$ 14,124

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	958	100.0	
HELC fields fully applied:	470	49.0	
HELC fields actively applying:	425	44.3	
HELC fields using substitute practices:	20	2.0	
Variance: Severe and unusual conditions:	9	0.9	
Variance: Extreme personal hardship:	0	0.0	
Variance: Effect of not actively applying is minimal	6	0.6	
Plan Not Needed.	10	1.0	
Not Actively Applying:	18	1.8	
Fields where scheduled or substitute conservation practices were not applied	67	6.9	9,108
Fields where scheduled or substitute conservation practices were not maintained	148	15.4	13,209
Average T value for HELC fields reviewed in 1993	1.2		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	7.5		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	5.1		
Fields requiring structural practices to control erosion	40	4.1	0
Fields using crop residue in FSA plan to control erosion	578	60.3	51,169
Average percentage of crop residue planned	% 20.0		
Average percentage of crop residue measured	% 50.4		
Fields where wind erosion is not addressed by FSA plan:	0	0.0	0
Fields where ephemeral erosion is not addressed by plan	1	0.1	129
Fields where gully erosion is not addressed by plan.	0	0.0	0
Fields where sheet and rill erosion is not addressed by plan:	2	0.2	336

Source: Environmental Working Group, compiled from USDA data

Footnotes

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[2] Not all farmers are subject to HEL conservation requirements.

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Conservation Compliance Report

Tim Johnson D-SD-1

Tract-Level Results From SCS Status Reviews	1991		1992		1993	
	Tracts	Percent	Tracts	Percent	Tracts	Percent
Number of tracts receiving to a status review:	1,430	100	1,588	100	1,420	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		917	64.5
Actively applying and maintaining conservation plan:	1,334	93.2	1,450	91.3	335	23.5
Using substitute practices:	17	1.1	39	2.4	49	3.4
Variance: Severe and unusual conditions:	10	0.7	18	1.1	36	2.5
Variance: Extreme personal hardship:	0		0		0	
Variance: Effect of not actively applying is minimal:	11	0.7	22	1.3	0	
Variance: Plan revision needed for clarity (1991 only):	52	3.6	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		51	3.2	76	5.3
Not Actively Applying:	6	0.4	4	0.2	7	0.4
ASCS Reports of Highly Erodible Land Violations	Number	Acres	Number	Acres	Number	Acres
Number of farms in violation reported to ASCS:	1	252	4	476	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	2		6			
Amount of ASCS benefits initially denied:	$ 1,054		$ 6,826			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 4,680			
Net ASCS benefits denied:	$ 1,054		$ 2,146			
Total ASCS Payments to Farmers[2]	Participants	Dollars	Participants	Dollars	Participants	Dollars
Participants receiving payments under ASCS programs:	46,360		46,210		45,769	
Total payments made under ASCS programs:		$ 285,301,743		$ 265,224,840		$ 426,587,867
Average payment per recipient under ASCS programs:		$ 6,154		$ 5,739		$ 9,320

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	3,104	100.0	
HELC fields fully applied:	1,922	61.9	
HELC fields actively applying:	918	29.5	
HELC fields using substitute practices:	149	4.8	
Variance: Severe and unusual conditions:	98	3.1	
Variance. Extreme personal hardship	0	0.0	
Variance: Effect of not actively applying is minimal:	0	0.0	
Plan Not Needed	1	0.0	
Not Actively Applying	16	0.5	
Fields where scheduled or substitute conservation practices were not applied	588	18.9	40,053
Fields where scheduled or substitute conservation practices were not maintained	699	22.5	42,627
Average T value for HELC fields reviewed in 1993.	4.1		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	15.4		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	6.1		
Fields requiring structural practices to control erosion	17	1.1	0
Fields using crop residue in FSA plan to control erosion:	1,739	56.0	114,571
Average percentage of crop residue planned	% 20.5		
Average percentage of crop residue measured	% 12.6		
Fields where wind erosion is not addressed by FSA plan	0	0.0	0
Fields where ephemeral erosion is not addressed by plan	42	1.3	7,440
Fields where gully erosion is not addressed by plan:	21	0.7	3,121
Fields where sheet and rill erosion is not addressed by plan	28	0.9	3,589

Source: Environmental Working Group, compiled from USDA data

Footnotes

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2 Not all farmers are subject to HEL conservation requirements

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Jill Long D-IN-4 *

Tract-Level Results From SCS Status Reviews	1991		1992		1993	
	Tracts	Percent	Tracts	Percent	Tracts	Percent
Number of tracts receiving to a status review:	416	100	852	100	186	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		53	28.4
Actively applying and maintaining conservation plan:	109	26.2	678	79.5	92	49.4
Using substitute practices:	0		24	2.8	3	1.6
Variance: Severe and unusual conditions:	0		0		0	
Variance: Extreme personal hardship:	0		0		0	
Variance: Effect of not actively applying is minimal:	1	0.2	5	0.5	3	1.6
Variance: Plan revision needed for clarity (1991 only):	284	68.2	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		93	10.9	30	16.1
Not Actively Applying:	22	5.2	52	6.1	5	2.6
ASCS Reports of Highly Erodible Land Violations	Number	Acres	Number	Acres	Number	Acres
Number of farms in violation reported to ASCS:	0	0	1	22	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	0		0			
Amount of ASCS benefits initially denied:	$ 0		$ 0			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 0			
Net ASCS benefits denied:	$ 0		$ 0			
Total ASCS Payments to Farmers [2]	Participants	Dollars	Participants	Dollars	Participants	Dollars
Participants receiving payments under ASCS programs:	7,584		8,038		7,722	
Total payments made under ASCS programs:		$ 27,923,165		$ 29,362,649		$ 44,376,144
Average payment per recipient under ASCS programs:		$ 3,681		$ 3,652		$ 5,746

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	234	100.0	
HELC fields fully applied:	44	18.8	
HELC fields actively applying:	166	70.9	
HELC fields using substitute practices	9	3.8	
Variance: Severe and unusual conditions	0	0.0	
Variance: Extreme personal hardship	0	0.0	
Variance: Effect of not actively applying is minimal	3	1.2	
Plan Not Needed:	2	0.8	
Not Actively Applying:	10	4.2	
Fields where scheduled or substitute conservation practices were not applied:	27	11.5	690
Fields where scheduled or substitute conservation practices were not maintained:	65	27.7	1,656
Average T value for HELC fields reviewed in 1993	3.2		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	10.6		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	4.5		
Fields requiring structural practices to control erosion	3	1.2	0
Fields using crop residue in FSA plan to control erosion	135	57.6	3,604
Average percentage of crop residue planned	% 43.7		
Average percentage of crop residue measured	% 54.3		
Fields where wind erosion is not addressed by FSA plan	0	0.0	0
Fields where ephemeral erosion is not addressed by plan	10	4.2	399
Fields where gully erosion is not addressed by plan	7	2.9	209
Fields where sheet and rill erosion is not addressed by plan:	4	1.7	97

Source Environmental Working Group, compiled from USDA data

Footnotes

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2 Not all farmers are subject to HEL conservation requirements

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Frank D. Lucas R-OK-6 *

Tract-Level Results From SCS Status Reviews	1991		1992		1993	
	Tracts	Percent	Tracts	Percent	Tracts	Percent
Number of tracts receiving to a status review:	1,599	100	2,221	100	1,295	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		487	37.6
Actively applying and maintaining conservation plan:	1,274	79.6	2,100	94.5	501	38.6
Using substitute practices:	3	0.1	18	0.8	144	11.1
Variance: Severe and unusual conditions:	51	3.1	8	0.3	2	0.1
Variance: Extreme personal hardship:	2	0.1	3	0.1	0	
Variance: Effect of not actively applying is minimal:	53	3.3	38	1.7	35	2.7
Variance: Plan revision needed for clarity (1991 only):	208	13.0	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		43	1.9	84	6.4
Not Actively Applying:	8	0.5	9	0.4	42	3.2

ASCS Reports of Highly Erodible Land Violations	Number	Acres	Number	Acres	Number	Acres
Number of farms in violation reported to ASCS:	8	1,936	6	1,572	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	7		6			
Amount of ASCS benefits initially denied:	$ 18,576		$ 53,805			
Amount of ASCS benefits reinstated after appeal:	$ 8,863		$ 22,300			
Net ASCS benefits denied.	$ 9,713	-	$ 31,505			

Total ASCS Payments to Farmers [2]	Participants	Dollars	Participants	Dollars	Participants	Dollars
Participants receiving payments under ASCS programs:	30,672		30,336		29,986	
Total payments made under ASCS programs:		$ 215,842,563		$ 170,577,459		$ 221,468,636
Average payment per recipient under ASCS programs:		$ 7,037		$ 5,622		$ 7,385

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	1,698	100.0	
HELC fields fully applied:	599	35.2	
HELC fields actively applying:	776	45.7	
HELC fields using substitute practices:	204	12.0	
Variance: Severe and unusual conditions:	3	0.1	
Variance: Extreme personal hardship:	0	0.0	
Variance Effect of not actively applying is minimal:	52	3.0	
Plan Not Needed	4	0.2	
Not Actively Applying:	60	3.5	
Fields where scheduled or substitute conservation practices were not applied:	95	5.5	4,275
Fields where scheduled or substitute conservation practices were not maintained	140	8.2	9,292
Average T value for HELC fields reviewed in 1993:	4.9		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	18.6		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	5.0		
Fields requiring structural practices to control erosion:	614	36.1	0
Fields using crop residue in FSA plan to control erosion	1,145	67.4	101,685
Average percentage of crop residue planned.	% 33.6		
Average percentage of crop residue measured	% 41.3		
Fields where wind erosion is not addressed by FSA plan	10	0.5	1,230
Fields where ephemeral erosion is not addressed by plan	23	1.3	1,214
Fields where gully erosion is not addressed by plan.	9	0.5	781
Fields where sheet and rill erosion is not addressed by plan:	14	0.8	487

Source Environmental Working Group, compiled from USDA data

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ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Cynthia McKinney D-GA-11 *

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	91	100	124	100	102	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		58	56.8
Actively applying and maintaining conservation plan:	74	81.3	120	96.7	11	10.7
Using substitute practices:	5	5.4	4	3.2	11	10.7
Variance: Severe and unusual conditions:	0		0		1	0.9
Variance: Extreme personal hardship:	0		0		2	1.9
Variance: Effect of not actively applying is minimal:	0		0		0	
Variance: Plan revision needed for clarity (1991 only):	12	13.1	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		0		17	16.6
Not Actively Applying:	0		0		2	1.9

ASCS Reports of Highly Erodible Land Violations	1991 Number	1991 Acres	1992 Number	1992 Acres	1993 Number	1993 Acres
Number of farms in violation reported to ASCS:	0	0	0	0	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	0		0			
Amount of ASCS benefits initially denied:	$ 0		$ 0			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 0			
Net ASCS benefits denied:	$ 0		$ 0			

Total ASCS Payments to Farmers [2]	1991 Participants	1991 Dollars	1992 Participants	1992 Dollars	1993 Participants	1993 Dollars
Participants receiving payments under ASCS programs:	3,287		3,449		3,731	
Total payments made under ASCS programs:		$ 13,818,321		$ 19,034,919		$ 25,706,210
Average payment per recipient under ASCS programs:		$ 4,203		$ 5,518		$ 6,889

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed	74	100.0	
HELC fields fully applied:	39	52.7	
HELC fields actively applying	17	22.9	
HELC fields using substitute practices:	15	20.2	
Variance. Severe and unusual conditions.	1	1.3	
Variance: Extreme personal hardship	1	1.3	
Variance: Effect of not actively applying is minimal:	0	0.0	
Plan Not Needed	0	0.0	
Not Actively Applying	2	2.7	
Fields where scheduled or substitute conservation practices were not applied.	22	29.7	990
Fields where scheduled or substitute conservation practices were not maintained	22	29.7	992
Average T value for HELC fields reviewed in 1993	3.8		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	17.6		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	6.5		
Fields requiring structural practices to control erosion	8	10.8	0
Fields using crop residue in FSA plan to control erosion	25	33.7	746
Average percentage of crop residue planned	% 30.0		
Average percentage of crop residue measured:	% 35.1		
Fields where wind erosion is not addressed by FSA plan.	0	0.0	0
Fields where ephemeral erosion is not addressed by plan:	3	4.0	163
Fields where gully erosion is not addressed by plan	0	0.0	0
Fields where sheet and rill erosion is not addressed by plan:	1	1.3	12

Source Environmental Working Group compiled from USDA data

Footnotes

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[2] Not all farmers are subject to HEL conservation requirements.

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

David Minge D-MN-2 *

Tract-Level Results From SCS Status Reviews	1991		1992		1993	
	Tracts	Percent	Tracts	Percent	Tracts	Percent
Number of tracts receiving to a status review:	485	100	509	100	283	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		139	49.1
Actively applying and maintaining conservation plan:	452	93.2	454	89.1	67	23.6
Using substitute practices:	0		7	1.3	8	2.8
Variance: Severe and unusual conditions:	22	4.5	15	2.9	2	0.7
Variance: Extreme personal hardship:	0		0		0	
Variance: Effect of not actively applying is minimal:	6	1.2	6	1.1	4	1.4
Variance: Plan revision needed for clarity (1991 only):	0		Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		9	1.7	57	20.1
Not Actively Applying:	5	1.0	2	0.3	6	2.1

ASCS Reports of Highly Erodible Land Violations	Number	Acres	Number	Acres	Number	Acres
Number of farms in violation reported to ASCS:	17	428	3	29	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	5		3			
Amount of ASCS benefits initially denied:	$ 2,845		$ 281			
Amount of ASCS benefits reinstated after appeal:	$ 174		$ 0			
Net ASCS benefits denied:	$ 2,671		$ 281			

Total ASCS Payments to Farmers 2	Participants	Dollars	Participants	Dollars	Participants	Dollars
Participants receiving payments under ASCS programs:	30,473		30,065		29,775	
Total payments made under ASCS programs:		$ 143,365,646		$ 147,380,012		$ 342,056,528
Average payment per recipient under ASCS programs:		$ 4,704		$ 4,902		$ 11,488

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	273	100.0	
HELC fields fully applied:	126	46.1	
HELC fields actively applying:	118	43.2	
HELC fields using substitute practices:	11	4.0	
Variance: Severe and unusual conditions:	4	1.4	
Variance: Extreme personal hardship:	0	0.0	
Variance: Effect of not actively applying is minimal	5	1.8	
Plan Not Needed:	2	0.7	
Not Actively Applying	7	2.5	
Fields where scheduled or substitute conservation practices were not applied	69	25.2	1,610
Fields where scheduled or substitute conservation practices were not maintained	79	28.9	1,936
Average T value for HELC fields reviewed in 1993.	4.9		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	16.7		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	7.3		
Fields requiring structural practices to control erosion:	33	12.0	0
Fields using crop residue in FSA plan to control erosion:	129	47.2	3,977
Average percentage of crop residue planned	% 30.5		
Average percentage of crop residue measured	% 34.5		
Fields where wind erosion is not addressed by FSA plan:	0	0.0	0
Fields where ephemeral erosion is not addressed by plan	3	1.1	166
Fields where gully erosion is not addressed by plan	6	2.2	265
Fields where sheet and rill erosion is not addressed by plan:	1	0.3	16

Source Environmental Working Group, compiled from USDA data.

Footnotes

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2 Not all farmers are subject to HEL conservation requirements.

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Jim Nussle R-IA-2

Tract-Level Results From SCS Status Reviews	1991		1992		1993	
	Tracts	Percent	Tracts	Percent	Tracts	Percent
Number of tracts receiving to a status review:	1,344	100	1,496	100	487	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		205	42.0
Actively applying and maintaining conservation plan:	1,221	90.8	1,133	75.7	67	13.7
Using substitute practices:	29	2.1	134	8.9	50	10.2
Variance: Severe and unusual conditions:	38	2.8	4	0.2	40	8.2
Variance: Extreme personal hardship:	0		1	0.0	1	0.2
Variance: Effect of not actively applying is minimal:	11	0.8	157	10.4	39	8.0
Variance: Plan revision needed for clarity (1991 only):	38	2.8	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		30	2.0	58	11.9
Not Actively Applying:	7	0.5	36	2.4	27	5.5
ASCS Reports of Highly Erodible Land Violations	Number	Acres	Number	Acres	Number	Acres
Number of farms in violation reported to ASCS:	2	79	11	194	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	3		15			
Amount of ASCS benefits initially denied:	$ 0		$ 56,541			
Amount of ASCS benefits reinstated after appeal:	$ 10,149		$ 54,485			
Net ASCS benefits denied:	$-10,149		$ 2,056			
Total ASCS Payments to Farmers [2]	Participants	Dollars	Participants	Dollars	Participants	Dollars
Participants receiving payments under ASCS programs:	27,513		27,325		26,887	
Total payments made under ASCS programs:		$ 158,399,182		$ 159,655,676		$ 298,383,740
Average payment per recipient under ASCS programs:		$ 5,757		$ 5,842		$ 11,097

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed	1,170	100.0	
HELC fields fully applied:	634	54.1	
HELC fields actively applying	193	16.5	
HELC fields using substitute practices:	152	12.9	
Variance: Severe and unusual conditions:	81	6.9	
Variance: Extreme personal hardship:	1	0.0	
Variance: Effect of not actively applying is minimal	64	5.4	
Plan Not Needed:	1	0.0	
Not Actively Applying	44	3.7	
Fields where scheduled or substitute conservation practices were not applied:	102	8.7	4,364
Fields where scheduled or substitute conservation practices were not maintained	156	13 3	7,386
Average T value for HELC fields reviewed in 1993	4 8		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	17 7		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	7 7		
Fields requiring structural practices to control erosion	456	38 9	0
Fields using crop residue in FSA plan to control erosion	841	71 8	28,754
Average percentage of crop residue planned:	% 36 3		
Average percentage of crop residue measured:	% 41 0		
Fields where wind erosion is not addressed by FSA plan	0	0.0	0
Fields where ephemeral erosion is not addressed by plan	49	4 1	1,627
Fields where gully erosion is not addressed by plan.	40	3.4	1,215
Fields where sheet and rill erosion is not addressed by plan:	7	0 6	277

Source Environmental Working Group, compiled from USDA data

Footnotes

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[2] *Not all farmers are subject to HEL conservation requirements*

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Timothy J. Penny D-MN-1 *

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	884	100	749	100	474	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		154	32.4
Actively applying and maintaining conservation plan:	876	99.1	670	89.4	201	42.4
Using substitute practices:	0		11	1.4	42	8.8
Variance: Severe and unusual conditions:	0		7	0.9	1	0.2
Variance: Extreme personal hardship:	0		0		0	
Variance: Effect of not actively applying is minimal:	2	0.2	12	1.6	5	1.0
Variance: Plan revision needed for clarity (1991 only):	0		Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		36	4.8	69	14.5
Not Actively Applying:	6	0.6	8	1.0	2	0.4

ASCS Reports of Highly Erodible Land Violations	1991 Number	1991 Acres	1992 Number	1992 Acres	1993 Number	1993 Acres
Number of farms in violation reported to ASCS:	4	62	6	187	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	4		6			
Amount of ASCS benefits initially denied:	$ 4,350		$ 3,238			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 2,957			
Net ASCS benefits denied:	$ 4,350		$ 281			

Total ASCS Payments to Farmers [2]	1991 Participants	1991 Dollars	1992 Participants	1992 Dollars	1993 Participants	1993 Dollars
Participants receiving payments under ASCS programs:	18,353		18,564		18,464	
Total payments made under ASCS programs:		$ 96,673,361		$ 97,510,328		$ 198,854,082
Average payment per recipient under ASCS programs:		$ 5,267		$ 5,252		$ 10,769

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	1,389	100.0	
HELC fields fully applied:	537	38.6	
HELC fields actively applying:	667	48.0	
HELC fields using substitute practices:	165	11.8	
Variance: Severe and unusual conditions:	1	0.0	
Variance: Extreme personal hardship:	0	0.0	
Variance: Effect of not actively applying is minimal:	15	1.0	
Plan Not Needed	2	0.1	
Not Actively Applying:	2	0.1	
Fields where scheduled or substitute conservation practices were not applied:	250	18.0	5,492
Fields where scheduled or substitute conservation practices were not maintained	239	17.2	5,493
Average T value for HELC fields reviewed in 1993:	4.7		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	17.1		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	6.8		
Fields requiring structural practices to control erosion	67	4.8	0
Fields using crop residue in FSA plan to control erosion:	646	46.5	13,383
Average percentage of crop residue planned:	% 33.8		
Average percentage of crop residue measured:	% 39.9		
Fields where wind erosion is not addressed by FSA plan	0	0.0	0
Fields where ephemeral erosion is not addressed by plan:	26	1.8	1,225
Fields where gully erosion is not addressed by plan:	6	0.4	235
Fields where sheet and rill erosion is not addressed by plan.	0	0.0	0

Source Environmental Working Group, compiled from USDA data

Footnotes

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2 Not all farmers are subject to HEL conservation requirements

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Collin C. Peterson D-MN-7 *

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	368	100	441	100	357	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		195	54.6
Actively applying and maintaining conservation plan:	359	97.5	390	88.4	105	29.4
Using substitute practices:	0		5	1.1	12	3.3
Variance: Severe and unusual conditions:	0		2	0.4	0	
Variance. Extreme personal hardship:	0		0		0	
Variance: Effect of not actively applying is minimal:	2	0.5	2	0.4	1	0.2
Variance: Plan revision needed for clarity (1991 only):	0		Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		21	4.7	42	11.7
Not Actively Applying:	7	1.9	6	1.3	2	0.5

ASCS Reports of Highly Erodible Land Violations	1991 Number	1991 Acres	1992 Number	1992 Acres	1993 Number	1993 Acres
Number of farms in violation reported to ASCS:	2	117	5	449	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	3		5			
Amount of ASCS benefits initially denied:	$ 12,570		$ 5,592			
Amount of ASCS benefits reinstated after appeal:	$ 11,470		$ 4,047			
Net ASCS benefits denied:	$ 1,100		$ 1,545			

Total ASCS Payments to Farmers [2]	1991 Participants	1991 Dollars	1992 Participants	1992 Dollars	1993 Participants	1993 Dollars
Participants receiving payments under ASCS programs:	23,193		24,726		24,357	
Total payments made under ASCS programs:		$ 188,984,876		$ 165,519,427		$ 259,835,228
Average payment per recipient under ASCS programs:		$ 8,148		$ 6,694		$ 10,667

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed	370	100.0	
HELC fields fully applied:	172	46.4	
HELC fields actively applying:	176	47.5	
HELC fields using substitute practices	16	4.3	
Variance: Severe and unusual conditions.	0	0.0	
Variance: Extreme personal hardship:	0	0.0	
Variance: Effect of not actively applying is minimal:	3	0.8	
Plan Not Needed:	1	0.2	
Not Actively Applying	2	0.5	
Fields where scheduled or substitute conservation practices were not applied.	49	13.2	3,341
Fields where scheduled or substitute conservation practices were not maintained	75	20.2	6,460
Average T value for HELC fields reviewed in 1993	4.5		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	23.6		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	5.8		
Fields requiring structural practices to control erosion	11	2.9	0
Fields using crop residue in FSA plan to control erosion:	231	62.4	16,692
Average percentage of crop residue planned	% 31.7		
Average percentage of crop residue measured.	% 34.1		
Fields where wind erosion is not addressed by FSA plan:	1	0.2	32
Fields where ephemeral erosion is not addressed by plan	2	0.5	263
Fields where gully erosion is not addressed by plan:	1	0.2	106
Fields where sheet and rill erosion is not addressed by plan:	4	1.0	225

Source Environmental Working Group, compiled from USDA data

Footnotes

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[2] *Not all farmers are subject to HEL conservation requirements*

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Richard W. Pombo R-CA-11 *

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	15	100	14	100	11	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		2	18.1
Actively applying and maintaining conservation plan:	2	13.3	3	21.4	0	
Using substitute practices:	0		0		0	
Variance: Severe and unusual conditions:	0		0		0	
Variance: Extreme personal hardship:	0		0		0	
Variance: Effect of not actively applying is minimal:	0		0		0	
Variance: Plan revision needed for clarity (1991 only):	13	86.6	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		8	57.1	8	72.7
Not Actively Applying:	0		3	21.4	1	9.0

ASCS Reports of Highly Erodible Land Violations	1991 Number	1991 Acres	1992 Number	1992 Acres	1993 Number	1993 Acres
Number of farms in violation reported to ASCS:	0	0	0	0	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	0		0			
Amount of ASCS benefits initially denied:	$ 0		$ 0			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 0			
Net ASCS benefits denied:	$ 0		$ 0			

Total ASCS Payments to Farmers[2]	1991 Participants	1991 Dollars	1992 Participants	1992 Dollars	1993 Participants	1993 Dollars
Participants receiving payments under ASCS programs:	894		938		941	
Total payments made under ASCS programs:		$ 12,632,303		$ 8,227,132		$ 15,805,802
Average payment per recipient under ASCS programs:		$ 14,130		$ 8,770		$ 16,796

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed.	4	100.0	
HELC fields fully applied:	4	100.0	
HELC fields actively applying:	0	0.0	
HELC fields using substitute practices:	0	0.0	
Variance: Severe and unusual conditions:	0	0.0	
Variance: Extreme personal hardship:	0	0.0	
Variance: Effect of not actively applying is minimal:	0	0.0	
Plan Not Needed	0	0.0	
Not Actively Applying:	0	0.0	
Fields where scheduled or substitute conservation practices were not applied	0	0.0	0
Fields where scheduled or substitute conservation practices were not maintained	0	0.0	0
Average T value for HELC fields reviewed in 1993:	4.6		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	4.3		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	4.3		
Fields requiring structural practices to control erosion	0	0.0	0
Fields using crop residue in FSA plan to control erosion:	0	0.0	0
Average percentage of crop residue planned:	% 0.0		
Average percentage of crop residue measured:	% 0.0		
Fields where wind erosion is not addressed by FSA plan:	0	0.0	0
Fields where ephemeral erosion is not addressed by plan	0	0.0	0
Fields where gully erosion is not addressed by plan:	0	0.0	0
Fields where sheet and rill erosion is not addressed by plan:	0	0.0	0

Source Environmental Working Group, compiled from USDA data

Footnotes

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2 Not all farmers are subject to HEL conservation requirements

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Earl Ralph Pomeroy D-ND-1

Tract-Level Results From SCS Status Reviews	* 1991		1992		1993	
	Tracts	Percent	Tracts	Percent	Tracts	Percent
Number of tracts receiving to a status review:	1,877	100	2,651	100	1,540	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		688	44.6
Actively applying and maintaining conservation plan:	1,697	90.4	2,357	88.9	553	35.9
Using substitute practices:	108	5.7	178	6.7	51	3.3
Variance: Severe and unusual conditions:	5	0.2	0		0	
Variance: Extreme personal hardship:	0		5	0.1	0	
Variance: Effect of not actively applying is minimal:	19	1.0	32	1.2	17	1.1
Variance: Plan revision needed for clarity (1991 only):	25	1.3	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		33	1.2	170	11.0
Not Actively Applying:	8	0.4	16	0.6	61	3.9

ASCS Reports of Highly Erodible Land Violations	Number	Acres	Number	Acres	Number	Acres
Number of farms in violation reported to ASCS:	0	0	5	5,414	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	0		5			
Amount of ASCS benefits initially denied:	$ 0		$ 0			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 0			
Net ASCS benefits denied:	$ 0		$ 0			

Total ASCS Payments to Farmers[2]	Participants	Dollars	Participants	Dollars	Participants	Dollars
Participants receiving payments under ASCS programs:	55,207		55,030		53,596	
Total payments made under ASCS programs:		$ 540,886,263		$ 437,743,456		$ 560,406,730
Average payment per recipient under ASCS programs:		$ 9,797		$ 7,954		$ 10,456

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed.	3,771	100.0	
HELC fields fully applied:	1,682	44.6	
HELC fields actively applying:	1,779	47.1	
HELC fields using substitute practices.	147	3.9	
Variance: Severe and unusual conditions:	0	0.0	
Variance. Extreme personal hardship.	0	0.0	
Variance: Effect of not actively applying is minimal.	39	1.0	
Plan Not Needed	7	0.1	
Not Actively Applying	117	3.1	
Fields where scheduled or substitute conservation practices were not applied	393	10.4	13,857
Fields where scheduled or substitute conservation practices were not maintained.	429	11.3	14,384
Average T value for HELC fields reviewed in 1993	4.1		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	19.1		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year).	7.2		
Fields requiring structural practices to control erosion	155	4.1	0
Fields using crop residue in FSA plan to control erosion	2,059	54.6	94,872
Average percentage of crop residue planned	% 34.9		
Average percentage of crop residue measured	% 52.3		
Fields where wind erosion is not addressed by FSA plan	5	0.1	536
Fields where ephemeral erosion is not addressed by plan	9	0.2	1,158
Fields where gully erosion is not addressed by plan	45	1.1	2,412
Fields where sheet and rill erosion is not addressed by plan:	24	0.6	1,415

Source Environmental Working Group, compiled from USDA data

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[2] Not all farmers are subject to HEL conservation requirements

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Pat Roberts R-KS-1 *

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	2,220	100	4,415	100	1,793	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		1,277	71.2
Actively applying and maintaining conservation plan:	2,205	99.3	4,221	95.6	317	17.6
Using substitute practices:	0		0		11	0.6
Variance: Severe and unusual conditions:	0		35	0.7	13	0.7
Variance: Extreme personal hardship:	0		1	0.0	0	
Variance: Effect of not actively applying is minimal:	0		8	0.1	4	0.2
Variance: Plan revision needed for clarity (1991 only):	0		Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		36	0.8	138	7.7
Not Actively Applying:	11	0.5	103	2.3	33	1.8

ASCS Reports of Highly Erodible Land Violations	1991 Number	1991 Acres	1992 Number	1992 Acres	1993 Number	1993 Acres
Number of farms in violation reported to ASCS:	29	2,207	31	3,223	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	36		42			
Amount of ASCS benefits initially denied:	$ 46,991		$ 29,151			
Amount of ASCS benefits reinstated after appeal:	$ 18,461		$ 2,112			
Net ASCS benefits denied:	$ 28,530		$ 27,039			

Total ASCS Payments to Farmers [2]	1991 Participants	1991 Dollars	1992 Participants	1992 Dollars	1993 Participants	1993 Dollars
Participants receiving payments under ASCS programs:	80,031		79,589		78,547	
Total payments made under ASCS programs:		$ 572,898,400		$ 477,433,499		$ 632,128,006
Average payment per recipient under ASCS programs:		$ 7,158		$ 5,998		$ 8,047

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	3,160	100.0	
HELC fields fully applied:	2,355	74.5	
HELC fields actively applying:	670	21.2	
HELC fields using substitute practices:	11	0.3	
Variance: Severe and unusual conditions:	21	0.6	
Variance: Extreme personal hardship:	0	0.0	
Variance: Effect of not actively applying is minimal	4	0.1	
Plan Not Needed:	12	0.3	
Not Actively Applying:	87	2.7	
Fields where scheduled or substitute conservation practices were not applied	256	8.1	12,725
Fields where scheduled or substitute conservation practices were *not* maintained.	306	9.6	16,197
Average T value for HELC fields reviewed in 1993:	4.9		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	17.8		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year).	5.2		
Fields requiring structural practices to control erosion.	1,080	34.1	0
Fields using crop residue in FSA plan to control erosion	2,824	89.3	243,078
Average percentage of crop residue planned	% 32.0		
Average percentage of crop residue measured.	% 48.3		
Fields where wind erosion is not addressed by FSA plan	3	0.0	407
Fields where ephemeral erosion is not addressed by plan	24	0.7	3,588
Fields where gully erosion is not addressed by plan	26	0.8	3,251
Fields where sheet and rill erosion is not addressed by plan	4	0.1	199

Source Environmental Working Group, compiled from USDA data

Footnotes

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2 Not all farmers are subject to HEL conservation requirements.

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Bill Sarpalius D-TX-13 *

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	737	100	1,127	100	433	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		290	66.9
Actively applying and maintaining conservation plan:	697	94.5	1,057	93.7	71	16.4
Using substitute practices:	4	0.5	19	1.6	22	5.0
Variance: Severe and unusual conditions:	0		1	0.0	17	3.9
Variance: Extreme personal hardship:	0		0		0	
Variance: Effect of not actively applying is minimal:	0		0		7	1.6
Variance: Plan revision needed for clarity (1991 only):	32	4.3	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		30	2.6	24	5.5
Not Actively Applying:	4	0.5	9	0.8	2	0.4

ASCS Reports of Highly Erodible Land Violations	1991 Number	1991 Acres	1992 Number	1992 Acres	1993 Number	1993 Acres
Number of farms in violation reported to ASCS:	0	0	2	147	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	0		2			
Amount of ASCS benefits initially denied:	$ 0		$ 4,141			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 0			
Net ASCS benefits denied:	$ 0		$ 4,141			

Total ASCS Payments to Farmers [2]	1991 Participants	1991 Dollars	1992 Participants	1992 Dollars	1993 Participants	1993 Dollars
Participants receiving payments under ASCS programs:	27,118		23,679		26,986	
Total payments made under ASCS programs:		$ 195,975,902		$ 247,744,788		$ 349,304,844
Average payment per recipient under ASCS programs:		$ 7,226		$ 10,462		$ 12,943

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	656	100.0	
HELC fields fully applied.	463	70.5	
HELC fields actively applying:	117	17.8	
HELC fields using substitute practices	27	4.1	
Variance: Severe and unusual conditions	28	4.2	
Variance: Extreme personal hardship:	0	0.0	
Variance. Effect of not actively applying is minimal	12	1.8	
Plan Not Needed.	0	0.0	
Not Actively Applying:	9	1.3	
Fields where scheduled or substitute conservation practices were not applied	39	5.9	4,931
Fields where scheduled or substitute conservation practices were not maintained	149	22.7	20,573
Average T value for HELC fields reviewed in 1993	4.8		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	28.5		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year)	6.8		
Fields requiring structural practices to control erosion	195	29.7	0
Fields using crop residue in FSA plan to control erosion:	484	73.7	47,337
Average percentage of crop residue planned	% 42.6		
Average percentage of crop residue measured	% 47.1		
Fields where wind erosion is not addressed by FSA plan	0	0.0	0
Fields where ephemeral erosion is not addressed by plan	0	0.0	0
Fields where gully erosion is not addressed by plan	1	0.1	20
Fields where sheet and rill erosion is not addressed by plan	1	0.1	211

Source Environmental Working Group, compiled from USDA data

Footnotes

** Denotes congressional districts that have one or more counties not fully contained within the district. In this tabulation, data for such "partial counties" are included in the district as a whole*

[2] Not all farmers are subject to HEL conservation requirements

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Nick Smith R-MI-7 *

Tract-Level Results From SCS Status Reviews	1991 Tracts	1991 Percent	1992 Tracts	1992 Percent	1993 Tracts	1993 Percent
Number of tracts receiving to a status review:	330	100	270	100	335	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		159	47.4
Actively applying and maintaining conservation plan:	300	90.9	242	89.6	59	17.6
Using substitute practices:	10	3.0	8	2.9	49	14.6
Variance: Severe and unusual conditions:	0		1	0.3	1	0.3
Variance: Extreme personal hardship:	0		0		0	
Variance: Effect of not actively applying is minimal:	0		1	0.3	13	3.8
Variance: Plan revision needed for clarity (1991 only):	1	0.3	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		5	1.8	51	15.2
Not Actively Applying:	19	5.7	13	4.8	3	0.9

ASCS Reports of Highly Erodible Land Violations	1991 Number	1991 Acres	1992 Number	1992 Acres	1993 Number	1993 Acres
Number of farms in violation reported to ASCS:	1	58	8	176	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	0		6			
Amount of ASCS benefits initially denied:	$ 0		$ 238			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 0			
Net ASCS benefits denied:	$ 0		$ 238			

Total ASCS Payments to Farmers[2]	1991 Participants	1991 Dollars	1992 Participants	1992 Dollars	1993 Participants	1993 Dollars
Participants receiving payments under ASCS programs:	7,213		7,215		7,213	
Total payments made under ASCS programs:		$ 33,181,290		$ 32,411,231		$ 54,669,337
Average payment per recipient under ASCS programs:		$ 4,600		$ 4,492		$ 7,579

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	442	100.0	
HELC fields fully applied:	245	55.4	
HELC fields actively applying:	107	24.2	
HELC fields using substitute practices:	62	14.0	
Variance: Severe and unusual conditions:	1	0.2	
Variance: Extreme personal hardship:	0	0.0	
Variance: Effect of not actively applying is minimal:	21	4.7	
Plan Not Needed:	4	0.9	
Not Actively Applying	2	0.4	
Fields where scheduled or substitute conservation practices were not applied:	35	7.9	740
Fields where scheduled or substitute conservation practices were not maintained:	40	9.0	802
Average T value for HELC fields reviewed in 1993:	4.0		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	10.0		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	3.8		
Fields requiring structural practices to control erosion:	19	4.3	0
Fields using crop residue in FSA plan to control erosion.	286	64.7	7,355
Average percentage of crop residue planned.	% 41.6		
Average percentage of crop residue measured	% 55.7		
Fields where wind erosion is not addressed by FSA plan:	1	0.2	12
Fields where ephemeral erosion is not addressed by plan:	8	1.8	381
Fields where gully erosion is not addressed by plan:	5	1.1	150
Fields where sheet and rill erosion is not addressed by plan.	3	0.6	55

Source: Environmental Working Group, compiled from USDA data

Footnotes

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[2] *Not all farmers are subject to HEL conservation requirements*

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Bennie Thompson D-MS-2 *

Tract-Level Results From SCS Status Reviews	1991		1992		1993	
	Tracts	Percent	Tracts	Percent	Tracts	Percent
Number of tracts receiving to a status review:	236	100	296	100	606	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		286	47.1
Actively applying and maintaining conservation plan:	207	87.7	233	78.7	199	32.8
Using substitute practices:	20	8.4	35	11.8	59	9.7
Variance: Severe and unusual conditions:	0		0		1	0.1
Variance: Extreme personal hardship:	0		0		0	
Variance: Effect of not actively applying is minimal:	3	1.2	5	1.6	3	0.5
Variance: Plan revision needed for clarity (1991 only):	4	1.6	Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		0		50	8.2
Not Actively Applying:	2	0.8	15	5.0	8	1.3

ASCS Reports of Highly Erodible Land Violations	Number	Acres	Number	Acres	Number	Acres
Number of farms in violation reported to ASCS:	4	193	2	111	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	4		3			
Amount of ASCS benefits initially denied:	$ 2,260		$ 6,108			
Amount of ASCS benefits reinstated aft al:	$ 0		$ 2,458			
Net ASCS benefits denied:	$ 2,260		$ 3,650			

Total ASCS Payments to Farmers[2]	Participants	Dollars	Participants	Dollars	Participants	Dollars
Participants receiving payments under ASCS programs:	8,283		9,035		8,876	
Total payments made under ASCS programs:		$ 134,949,963		$ 214,207,975		$ 310,011,119
Average payment per recipient under ASCS programs:		$ 16,292		$ 23,708		$ 34,926

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	1,755	100.0	
HELC fields fully applied.	896	51.0	
HELC fields actively applying:	703	40.0	
HELC fields using substitute practices:	96	5.4	
Variance: Severe and unusual conditions:	2	0.1	
Variance: Extreme personal hardship:	0	0.0	
Variance: Effect of not actively applying is minimal	3	0.1	
Plan Not Needed	46	2.6	
Not Actively Applying.	9	0.5	
Fields where scheduled or substitute conservation practices were not applied	84	4.7	3,543
Fields where scheduled or substitute conservation practices were not maintained	86	4.9	3,563
Average T value for HELC fields reviewed in 1993	3.9		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year).	25.6		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	10.1		
Fields requiring structural practices to control erosion:	304	17.3	0
Fields using crop residue in FSA plan to control erosion:	21	1.2	655
Average percentage of crop residue planned	% 30.0		
Average percentage of crop residue measured	% 62.6		
Fields where wind erosion is not addressed by FSA plan	2	0.1	10
Fields where ephemeral erosion is not addressed by plan	2	0.1	10
Fields where gully erosion is not addressed by plan	2	0.1	51
Fields where sheet and rill erosion is not addressed by plan	39	2.2	980

Source Environmental Working Group, compiled from USDA data.

Footnotes

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2 Not all farmers are subject to HEL conservation requirements

ENVIRONMENTAL WORKING GROUP™

Conservation Compliance Report

Karen L. Thurman D-FL-5 *

Tract-Level Results From SCS Status Reviews	1991		1992		1993	
	Tracts	Percent	Tracts	Percent	Tracts	Percent
Number of tracts receiving to a status review:	4	100	4	100	4	100
Fully applied and maintained conservation plan (1993 only):	Not Applicable		Not Applicable		4	100.0
Actively applying and maintaining conservation plan:	3	75.0	4	100.0	0	
Using substitute practices:	0		0		0	
Variance: Severe and unusual conditions:	0		0		0	
Variance: Extreme personal hardship:	0		0		0	
Variance: Effect of not actively applying is minimal:	0		0		0	
Variance: Plan revision needed for clarity (1991 only):	0		Not Applicable		Not Applicable	
Plan Not Needed (i.e. no HEL fields):	0		0		0	
Not Actively Applying:	1	25.0	0		0	

ASCS Reports of Highly Erodible Land Violations	Number	Acres	Number	Acres	Number	Acres
Number of farms in violation reported to ASCS:	0	0	0	0	Data for 1993 Are Not Yet Available	
Number of producers in violation reported to ASCS:	0		0			
Amount of ASCS benefits initially denied:	$ 0		$ 0			
Amount of ASCS benefits reinstated after appeal:	$ 0		$ 0			
Net ASCS benefits denied:	$ 0		$ 0			

Total ASCS Payments to Farmers [2]	Participants	Dollars	Participants	Dollars	Participants	Dollars
Participants receiving payments under ASCS programs:	945		1,141		1,095	
Total payments made under ASCS programs:		$ 3,038,640		$ 5,843,330		$ 8,625,649
Average payment per recipient under ASCS programs:		$ 3,215		$ 5,121		$ 7,877

Preliminary Field-Level Data from 1993 SCS Status Reviews on HEL Cropland Fields

	Number	Percent	Acres
Highly Erodible Cropland (HELC) fields reviewed:	4	100.0	
HELC fields fully applied:	4	100.0	
HELC fields actively applying:	0	0.0	
HELC fields using substitute practices:	0	0.0	
Variance: Severe and unusual conditions:	0	0.0	
Variance: Extreme personal hardship:	0	0.0	
Variance: Effect of not actively applying is minimal:	0	0.0	
Plan Not Needed:	0	0.0	
Not Actively Applying:	0	0.0	
Fields where scheduled or substitute conservation practices were not applied.	0	0.0	0
Fields where scheduled or substitute conservation practices were not maintained	0	0.0	0
Average T value for HELC fields reviewed in 1993:	4.9		
Average "before" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	8.6		
Average "after" soil loss rate for HELC fields reviewed in '93 (tons/acre/year):	3.5		
Fields requiring structural practices to control erosion:	0	0.0	0
Fields using crop residue in FSA plan to control erosion:	0	0.0	0
Average percentage of crop residue planned:	% 0.0		
Average percentage of crop residue measured:	% 0.0		
Fields where wind erosion is not addressed by FSA plan:	0	0.0	0
Fields where ephemeral erosion is not addressed by plan:	0	0.0	0
Fields where gully erosion is not addressed by plan:	0	0.0	0
Fields where sheet and rill erosion is not addressed by plan:	0	0.0	0

Source Environmental Working Group, compiled from USDA data

Footnotes

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[2] Not all farmers are subject to HEL conservation requirements

Statement of Ross Hansen
Vice President, National Association of Wheat Growers
Before The
Subcommittee on Environment, Credit and Rural Development
House Committee on Agriculture
on
Conservation Compliance
August 11, 1994

Mr. Chairman and Members of the Subcommittee:

My name is Ross Hansen, and I am Vice President of the National Association of Wheat Growers (NAWG). I am a wheat grower from Genoa, Colorado, and I am speaking today on behalf of the NAWG, American Soybean Association, National Barley Growers Association, National Corn Growers Association, National Cotton Council, and the U.S. Rice Producers Group.

As the year-end deadline for full implementation of conservation compliance plans draws near, I think it is appropriate to credit the Nation's farmers for their conservation achievements. Over the past decade farmers have worked very hard to carry out the conservation compliance mandate established in the 1985 farm law, and significant and measurable achievements, as documented by the Soil Conservation Service, have resulted from implementation of conservation tillage and other erosion reduction practices. But as we examine where conservation programs should go in the future, it must also be recognized that farmers have independently improved their conservation practices as new technologies have been developed, tested and demonstrated. Conservation tillage technologies are not a product of the farm bill; adoption of conservation tillage was well underway before 1985, as an important means of protecting the natural resource base.

Conservation progress will continue after December 31, 1994, and will evolve most effectively if SCS seeks to build partnerships with producers based on technical assistance and education. As partners in conservation, SCS field technicians are uniquely qualified to advise and consult with producers in improving their farming practices and undertaking special conservation projects. Our organizations hope that the administrative burdens of enforcing conservation compliance will not prevent SCS technicians from cooperating with producers in developing long-term resource management strategies.

The requirement for compliance documentation has also led to regimentation of allowable practices and has made adoption of new, innovative practices within conservation plans difficult. Future SCS programs should focus on accelerating technology transfer by revitalizing the knowledge base of conservation professionals who assist farmers in long-term resource management planning. With fewer resources available to the agency for administering conservation programs, it is essential that they be used more effectively. The need for documentation of compliance has consumed SCS resources which could be redirected more effectively toward providing technical assistance and education and providing outreach to those who need special assistance.

Regimentation of practices has also made it more difficult to control disease and pest problems resulting from higher residue levels on field surfaces. SCS has not adequately recognized this serious threat to crops and has failed to respond aggressively in allowing necessary modifications to practices which would break pest cycles. For example, in the upper great plains states of Minnesota, North and South Dakota, wheat scab is a serious threat to large portions of the wheat crop. For the second year in a row, over half the crop in Minnesota is infected with scab, reducing yields by 30 percent and reducing the value of the harvested crop by at least 25 percent. No effective crop protection products are available to control the disease, and there are no resistant wheat varieties which could prevent a continuing threat to the wheat crop next year. The scab infestation is attributable in large part to crop residue, which allows spore loads to carry over from one season to the next, in combination with moist conditions which promote growth of the fungus. Residue management alternatives must be sought in order to prevent recurring outbreaks of scab.

Similarly, in the Pacific Northwest, wheat residue required by conservation plans has promoted a serious outbreak of Hessian Fly. The residue protects the insect from winterkill, and encourages a population explosion over the next season. With each succeeding crop, variances for practices which can reduce the fly populations must be worked out with SCS conservationists. But stabilizing the problem will come at a high cost to wheat growers. Hessian Fly can completely destroy a wheat crop.

The same is true of weed populations which threaten crop quality and yields. Undesirable grasses such as cheat, rye and jointed goatgrass which have traditionally been controlled through cultivation techniques occur with much greater frequency and density in wheat produced in high levels of residue. Herbicides must be used more frequently, accelerating resistance and limiting effectiveness over time.

These pest management problems illustrate the need for SCS to cooperate with producers in taking early and aggressive action to solve production problems resulting from conservation compliance requirements. There is a great need to allow flexibility in modifying practices as necessary to protect crops from disease and other pest problems. And there is also a growing need for research to solve new pest problems created and amplified by conservation tillage.

It is important that producers, in general, have adequate flexibility in implementing conservation systems which meet compliance requirements. Alternative conservation systems which address specific erosion problems and are specific to the farm site are essential to the success of conservation compliance and acceptance by producers. Any rigid standard, such as the T Value, is unworkable as an enforceable standard and would be opposed by our organizations.

We encourage SCS to create new mechanisms for constructive participation by producers in ensuring that conservation systems serve their needs and, at the same time, meet conservation objectives. These should include regional advisory groups composed of producers, researchers, land grant universities, state experiment stations, conservation districts and SCS specialists. We applaud the recent policy change -- which comes nearly ten years after enactment of conservation compliance -- which will allow producers to test new practices on an experimental basis for possible incorporation into their conservation compliance plans. We urge the utmost flexibility with regard to these field trails.

As SCS carries out its responsibilities to ensure producer compliance with conservation plans, residue measurement, soil loss equations and other criteria which demonstrate compliance need improvement to ensure consistency, fairness and accuracy. It is important that all factors and practices which contribute to erosion reduction be taken into account when determining whether a producer is in compliance, including soil surface texture and incorporated residue.

New mechanisms for making the technical appeals process less cumbersome and more balanced are also a needed improvement in agency procedures. Stronger local peer review and mediation involving conservation district boards, as well as ASCS county committees, is clearly desirable. We urge the committee to ensure that all appeals are exhausted before penalties such as eligibility for FmHA loan programs, farm program benefits and federal crop insurance are imposed by USDA.

Thank you very much for taking our views into consideration. I will be pleased to answer any questions.

TESTIMONY OF ALLEN RICHARD, LEGISLATIVE REPRESENTATIVE FOR THE NATIONAL FARMERS UNION, REGARDING THE STATUS OF THE CONSERVATION COMPLIANCE PROVISIONS OF THE FOOD SECURITY ACT OF 1985, PRESENTED TO THE HOUSE AGRICULTURE COMMITTEE SUBCOMMITTEE ON ENVIRONMENT, CREDIT AND RURAL DEVELOPMENT.

Mr. Chairman and members of the committee, thank you for the opportunity to appear here today in behalf of the 250,000 members of National Farmers Union (NFU). My name is Allen Richard, and I am a legislative representative here in the Washington, DC office of National Farmers Union.

Mr. Chairman and Committee Members, the family farmers who make up the membership of National Farmers Union develop the policy for the organization from the grassroots. The NFU national policy manual accurately reflects the views of the members. Article V of the 1994 Policy Manual of the National Farmers Union is entitled "Land, Environment and the Family Farm." I would add that while Article V deals specifically with the NFU position on the issues under discussion here today, references to conservation and environmental issues are woven throughout the entire 90 page document. Your office and every other House and Senate office has already been provided with a copy of the manual, and each office will likely be provided with additional copies during NFU's citizens' fly-in in September. However, for the sake of convenience, I have included the text of Article V of the manual as attachment "A" at the end of my testimony.

NFU members participate in the Conservation Compliance Provisions of the Food Security Act, as well as in many other environmental programs. Many members are also active in the several sustainable agriculture organizations and follow the practices they learn from those affiliations. They do all of these things for a few very simple reasons. They want to leave their land in a condition which is better than it was when they began farming it. Their children and future generations deserve no less. They make their living from the soil. Ruining it makes no economic sense.

The problem is that the current farm situation in America demands maximum production from each acre. This is not necessarily compatible with proper conservation practices. It forces farmers to make an initial choice in their operation. Do they stay out of farm programs and farm as they please, or do they participate in the programs knowing they will have restrictions placed on them in order to receive program payments?

Many NFU members choose to participate, as do many other farmers nationwide, and that is - good for the environment. But problems exist.

Currently farmers, businessmen and politicians share two common fears: a. Waking up in the morning and being greeted by a 60 Minutes camera crew set up on the front lawn or, b.

Being notified of an impending IRS audit. But farmers have one more fear which can put them out of business quicker than either of the others, and that is a notice that they are in violation of conservation compliance regulations.

Every farmer who participates in farm programs which require conservation compliance does so with a deep seated fear, a fear that something like the following two horror stories could happen to him.

Case number one:

Farmer A asks Farmer B to finish planting his last ten acres of beans because farmer A's planter broke down. Farmer B agrees to help, but accidentally plants two tenths of an acre which was under conservation compliance provisions. The beans were never cultivated or harvested and the accident happened because the planters were of different widths.

Farmer A lost nearly $50,000 in program payments and was not allowed to participate in CCC loan programs. He got his payments back eventually, but the cost of getting those payments and the inability to participate in farm programs in the interim cost him nearly $50,000 which he never recovered.

Case number two:

A farmer who leased his land to another farmer for the purpose of planting carrots was told to plant rye on the land after the carrots were harvested in order to be in conservation compliance. Due to inclement weather conditions, the carrots were harvested late in the season. immediately after they were harvested, the whole area was blanketed by a heavy snow. The farmer was unable to plant rye and was judged to be out of compliance.

The penalties he incurred literally cost him his farm. He is out of business and the land is now owned by a group of wealthy German investors.

There are many other cases, and I am sure that many of us in this room could engage in a lengthy game of one-ups-manship in talking about those incidents with which we are familiar. This testimony is not about horror stories. It is about a basically good set of provisions which require some common sense revisions.

National Farmers Union would like to make the following suggestions.

First: The penalties for accidents and acts of God are in need of amendment. NFU suggests the following:

To use the old cliche, "Let the punishment fit the crime." Putting a farmer out of business for something out of his control makes little economic sense, damages the rural community and is often poor environmental policy as well.

To correct this, the range of penalties should be broadened to reflect the wide variations in impact that violations may have. An accidental planting of two tenths of an acre does not deserve the same penalty as a 100 acre willful violation. Penalizing a willful "bad actor" with the equivalent of an economic sledge hammer is one thing, but using the same hammer on an individual whose violation is minute by comparison could be considered in the same class as "cruel and unusual punishment" which is prohibited by the Constitution.

The current system of graduated payment reduction and other penalties is far too rigid and it unfairly impacts small and medium sized farmers - the very people who are often the best intentioned environmentalists and stewards of the land. The small and medium sized operators are far less able to recover from a non-compliance determination than large operators, and the violations they might commit are usually related to the size of the farm - small farm, small violation. Current policy makes little if any allowance for the size of the violation or the impact of the penalty on the individual.

Current policy also allows little latitude in the approval of good faith violations. Here policy should be changed to allow more common sense flexibility on the local and state level and a less cumbersome and time consuming appeals mechanism. Additionally, the five and ten year good faith approval intervals are too restrictive. Problems caused by weather and accidents can, and often do, occur in the same or consecutive years, and may never re-occur for decades.

I know this from the personal experience of suffering through a ten year period of continuous drought on my farm in North Dakota. During that time it was all but impossible to maintain the required level of crop residue on fallow land. Consecutive near crop failures leave very little residue on the land even if no tillage is used for weed control.

For these situations, why not implement a system of payment reductions and/or additional conservation practices which would mitigate the violation, allow the farmer to stay in business AND provide additional environmental enhancement?

Second: Revisions should be made to current policy which would have the effect of enticing greater participation in farm programs through more flexible conservation compliance regulations.

It is a known fact that farmland changes hands through changes in ownership or operator. With that in mind, producers who become newly responsible for operating land with areas of highly erodible land (HEL) on that farm should be allowed to bring that land into compliance in a gradual manner and be allowed to participate in farm programs in a ratio which reflects the effort they demonstrate in bringing those acres into compliance.

Again, a system of mitigation could allow farmers to replace acres on a farm he rents from a land owner who has no interest in conservation compliance with additional conservation practices on land which is TOTALLY under his control. As in the previous reference to mitigation, both the farmer and the environment benefit.

For those who do not now participate in farm programs, policies should be created which would allow them to bring some of their land into conservation compliance initially, and then work toward total participation on a gradual basis.

In all cases, land which might otherwise be left out of farm programs, and therefore out of conservation compliance and good environmental practices, could be brought under the protection of the program.

Mr. Chairman, NFU members, and I am sure all farmers would welcome these changes. I believe the environmental community should welcome these suggestions as well. These suggested changes would bring more farmers into conservation compliance, thereby improving water and air quality, enhancing wildlife habitat and protecting the soil from erosion, and making the soil more productive. There are no losers.

This committee has the opportunity and the responsibility improve the provisions of conservation compliance to the benefit of agriculture and the environment alike. National Farmers Union is grateful that you are exercising your authority to do so.

Thank you, and I will answer questions.

(Attachment follows:)

ARTICLE V
LAND, ENVIRONMENT, AND THE FAMILY FARM

A. Objectives of a Comprehensive Land Policy

Family farmers have historically been our best soil and water conservationists when given the economic incentives and flexibility necessary to do so. We should encourage family farm agriculture for our nation's best soil and water stewardship.

A national land policy should:

1. recognize multiple use values of public lands while striving for sustainable use in all areas;
2. emphasize agriculture as the most productive use of existing high-quality farmland;
3. recognize the right of private landowners to be compensated for government land use restrictions amounting to a taking of property;
4. recognize the value of independently owned and operated family farms to stewardship of natural resources;
5. develop education and outreach of the above four goals to the public for future generations; and
6. National EPA policies should be administered uniformly throughout the nation. Currently, EPA policies have inequitably encumbered targeted regions with stricter standards than are applied in others. This is particularly evident in Region VI. Failure to curb this practice will likely result in an exodus of sensitive industries, including family farms, thereby jeopardizing the level of economic activity conducted within the targeted region.

Farmers Union urges passage of state and federal laws to prohibit entry into the business of farming or ownership of agricultural lands by non-farm interests or larger-than-family-farm-sized corporations.

B. Prohibition of Alien Ownership of Farmland, Disclosure of Other Holdings

Alien interests (except families or individuals seeking United States citizenship) should be prohibited from acquiring agricultural lands.

We respect the right of other nations to put similar limitations on foreign interests to own agricultural lands in their nations.

State laws to protect family-owned and operated farms should be strengthened and strictly enforced. We view favorably state programs of graduated land taxes and similar disincentives or limitations to discourage the concentration of land ownership and off-farm ownership.

Foreign individuals, corporations or governments should be required to disclose to appropriate agencies their ownership of U.S. business, financial, energy or real estate assets, in a manner comparable to procedure in the Agricultural Foreign Investment Disclosure Act of 1978. Citizens of the U.S. have a right to know the extent of such ownership or control so that remedial steps may be taken if Congress so decrees.

C. Land Transfer

We call for a "Beginning or Limited Resource Farmer Assistance Program" which would provide federal guarantees for loans, leases, and sales of land to individuals who are qualified to enter farming but who do not have or cannot acquire the financial assets to do so.

We urge a joint federal-state cooperative effort to assist beginning and limited resource farmers to acquire an economically viable family farm enterprise.

Farmers invest monies in farms and long-term capital improvements, in large part as equity to be used as retirement income. Much of the investment is long-term debt on which payments are not tax deductible. We urge the granting of tax-exempt status, like an IRA, for these long-term debt payments. We also urge that any farmer or small businessman, 65 years of age, or in operation for over 10 years, who sells the operation, be allowed to roll the sum into an IRA or retirement fund and be taxed when money is withdrawn.

In the event that a farmer or a small businessman sells the operation on a financed basis, such as a contract for deed, the seller shall receive the same tax benefits on the sale proceeds as if it were an IRA.

Special income tax incentives should be provided to landowners and retiring farmers who sell farmland to beginning or limited resource farmers. In developing any such tax credit programs, Congress should target benefits to landowners willing to sell their land at a price based on its productive capability. Such a program should be promoted to provide for the orderly transfer of land prior to the seller's death and should be complementary to estate planning and estate and gift tax policies.

Religious, educational, charitable, and similar non-profit institutions who obtain farmland should ensure that such lands are operated or sold in a manner which preserves and promotes family farm units and which does not disrupt land values. Reasonable size and time limits should be placed on holdings, to return the land to local tax rolls as quickly as possible.

When land is transferred, existing effective conservation practices must be maintained.

We oppose automatic imposition of conservation easements on land acquired by FmHA without public hearings.

D. Public Lands

We believe wilderness designations should be held to a minimum because of the adverse impact they have on livestock grazing, timber, and water resource development.

Any new federal wilderness should be denied federal water rights, either express or implied. A federal land manager should have to apply to the appropriate state water board for a junior water right to state inflow rights.

We recommend that Congress maintain its commitment to the responsible multiple use of the public lands. Livestock production in the 17 Western public lands states is highly dependent upon public land grazing and local government services, and public education in rural communities depends upon the continued public land grazing. Government actions which drastically change the way livestock grazing on the public lands could continue economically would greatly damage the rural economies.

We support the concept put forth in the current Public Rangeland Improvement Act (PRIA) as a fair and equitable method for determining an appropriate grazing fee. Should an increase be adopted, we support maintaining the existing grazing fee for up to a maximum of 6,000 Animal Unit Months (AUM). We support legislation that would change the federal grazing AUM ratio of sheep to cattle to 7-to-1, for assessment purposes only. We are opposed to any increase in the grazing fee beyond the threshold where a viable livestock industry can survive in the public lands states. We also recognize there are non-fee costs associated with grazing public lands. We oppose the taking of private water rights and other private structures on public lands as proposed by Secretary Babbitt.

We support linking the holding of grazing permits with actual ownership of grazing animals by resident family farmers. We call for the reinstatement of grazing advisory boards and the multiple use advisory councils as originally established because the current suspension has eliminated all local, public input.

To maintain viable ranching operations, stockmen must be allowed to travel by motorized vehicle, control predatory animal populations, continue range improvements, and develop water resources on public lands. We oppose reintroduction of species detrimental to livestock production and agriculture.

We support time limits on the evaluation of land for a potential wilderness designation. This would prevent endless interference with multiple uses without Congressional action.

Any public lands involved in the Wilderness Inventory Process not so designated by Congress should be managed as multiple-use lands.

The government should be required to pay the full amount of the "in lieu of property tax" payments made on agricultural lands it acquires for wildlife and similar purposes. Whenever full payments are not made, there should be a moratorium on any further land acquisition by the agency which fails to meet this responsibility.

We believe that the U.S. Forest Service and Bureau of Land Management should develop a comprehensive policy regarding land exchanges and that the policy be adhered to. We oppose land exchanges for economic development reasons which would alter or eliminate family ranching or farming.

We support a full moratorium on the development and expansion of ski resorts on public lands.

E. Water Quantity and Quality

1. Water Quantity Distribution

National Farmers Union believes that Congressional enactment of the Omnibus Western Water Projects Bill (Central Valley Project Compromise P. L. 102-575), sets a bad precedent by favoring industrial and wildlife uses over those of agricultural producers. In any future legislation we urge adoption of the following order of preference in water use:

a. domestic and municipal consumption;
b. farming, including ground water recharge;
c. hydroelectric uses;
d. navigation;
e. industrial consumption; and
f. wildlife and recreation.

We oppose the movement of any water for the purpose of a coal slurry pipeline or similar venture, unless a method can be developed to return water of equal quantity and quality to the original area from which it was taken.

Prior to the exportation of any water, an environmental and economic impact statement should have to be made to determine its effect on agriculture.

We strenuously oppose any efforts by the federal government through the usage of a national water policy to usurp the rights and prerogatives of the individual states. We strongly support the use of conservation as a primary tool for water development.

We urge adoption of legislation to protect agricultural water rights through state water rights in order to prevent future power and energy plants from consuming water to the detriment of agriculture. If energy plants are constructed to use large quantities of water, they should be required to return the water to a level of quality capable of use by agriculture.

2. Water Quality Protection

The future of agricultural producers worldwide depends to a great extent on developing and implementing the best use of pesticides and chemical fertilizers.

We support the creation of a national database on the extent of water quality problems, including voluntary well testing programs which include cost-sharing for landowners.

The protection of our groundwater resources is critical not only to continuing farm operations, but as a source of drinking water for the vast majority of rural residents. Any legislation or regulations affecting groundwater should balance these interests in an effort to keep groundwater from becoming contaminated in the first place, and to move quickly to clean up already-contaminated sources of drinking water.

Our groundwater must be safeguarded from contamination. We need more information and education concerning the present condition of our underground water supply and what we can and should do to prevent any further contamination. We support efforts in research that address the issue of non-point source pollution. We oppose the method of deep well injection of hazardous waste because of the risk of contaminating our water sources.

We support programs to protect and improve the quality of surface waters, such as the Chesapeake Bay Program, but urge that all who use the resource, such as boaters and fishermen, be included in the effort.

We oppose any act of legislation which restricts grazing of livestock in pastures where running streams are located.

F. Pesticide and Herbicide Regulation

We urge Congress to move quickly in reauthorizing the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). While we supported the last reauthorization of FIFRA in 1988, we urge Congress to address the issues left outstanding, including:

a. an exemption from liability through EPA for groundwater clean-up for farmers who applied pesticides according to label directions;

b. provisions emphasizing protection of uncontaminated groundwater and providing means to keep residue levels from increasing;

c. access to health and safety information for farmers, and farm laborers, and emergency medical personnel;

d. greater cooperation between EPA and USDA to help ensure that pesticide regulations and disposal do not unnecessarily interfere with normal farming practices and land transfers; and

e. the right of states to adopt stricter standards for pesticide residues than a federal minimum standard.

We support legislation designed to eliminate pesticides not registered for use in the United States, or for which a pesticide residue tolerance has not been set. We further support restrictions on the import of food products produced with such pesticides, with more frequent inspections at borders to protect consumers from unsafe pesticide use and country-of-origin labeling.

We urge the Secretary to develop regulations implementing FACT Act authorized programs for less chemically intensive farming practices. Regulations should allow farmers to protect our natural resources without economic disadvantage. We urge full appropriation of funding for these new farm programs and for new pest control research initiatives.

Until biological controls or other effective alternatives to pesticides are available, we call for cooperation among farmers, chemical companies, and governmental agencies to reduce pollution hazards. We support the continued prudent use of parathion, furadan, and other chemicals for crops.

Chemical manufacturers are partly responsible for the problems arising from container disposal and should increase use of reusable, pre-measured water soluble, and bulk containers. Federal assistance is needed in recycling containers and in establishing central locations for disposal of chemical containers.

G. Infestation Control

Farmers Union recommends that adequate funds be made available to the Animal and Plant Health Inspection Service (APHIS) to monitor insect hatch and damage and to coordinate control measures in states affected by infestations, such as gypsy moths or grasshoppers.

We advocate federal grants or cost-sharing on both public and private lands for dealing with widespread infestations of insects, such as gypsy moths and grasshoppers. Much of the infestation problem is attributable to insect population growth on public lands.

H. Noxious Weeds

We are deeply concerned that farmers are expected to control weeds on their land, while nearby public lands go without weed control. Whenever this responsibility is not being met there should be a moratorium on any further land acquisition by the agency. Coordination and funding is urgently needed for improved control of noxious weeds on public lands and all road rights of way.

I. Controlled Field Burning

We recognize that controlled field burning is a viable farming practice and support the right to safe burning when necessary. However, we support and encourage ongoing research which is attempting to discover economically viable alternatives to burning.

J. Reclamation Lands Family Farm Policy

We support targeting water subsidies to family-sized farm operations to conserve water and Treasury dollars. The Bureau of Reclamation should use reasonable fines for farmers who fail to fill out questionnaires concerning water usage.

K. Eminent Domain

In all public and private projects where eminent domain proceedings may eventually be used, individual notification and public hearings should be held before the project is allowed to be implemented. Severance damages should include payment for the diminution of remaining land values and increased expenses and inconvenience suffered by affected landowners and operators. All initial court expenses, including attorneys' and appraisers' fees, should be borne by the constructing agency in condemnation proceedings.

L. Zoning

We support the preservation of farm units in any rezoning efforts.

Farmland near areas already converted to urban or other uses, which may be growing in speculative value, should be taxed as agricultural land as long as it is farmed by a farm family.

Economic and environmental studies should be required to determine the effects on future water supplies of changing land use designations from agriculture to some other use.

We oppose the use of federal or state funds to build single purpose flood control projects for the protection of those who insist on building in known flood plains. We favor zoning laws prohibiting construction in known flood plains.

M. Environment and Ecology

The EPA has sometimes overstepped its authority. It should respect existing farming operations regarding the right to farm, especially due to the pressures of urban encroachment. We support just compensation to farmers and ranchers who suffer economic losses as a result of any state or federal agency ruling.

We support the application of Best Management Practices (BMP) established by agencies of the USDA for disposal of poultry and animal manure, and recommend such manure be classified as soil supplements and plant food, and not toxic or hazardous waste.

We are concerned that proposed regulations concerning emissions from farm tractors and small engines will greatly increase the cost of farm machinery while controlling only a minor source of pollution.

N. Conservation

We support the development of a one-stop conservation planning system for agriculture through the Agricultural Stabilization and Conservation Service (ASCS). A single conservation plan jointly developed by the farm operator and the Soil Conservation Service (SCS) should be established to fulfill the requirements for the current maze of land and water regulations of various governmental agencies.

Conservation programs should be good for the environment, reward stewardship of land and water resources, discourage speculative development of fragile land resources, strengthen family farming and enhance rural communities.

The objective of the conservation plan must be to reduce and control wind and water erosion, prevent non-point pollution, and enhance the soil and water capacities of the land.

The plan should designate which highly-erodible soils should not be tilled and which may be tilled with approved conservation practices. It should clearly map and document both existing and drained wetlands, as well as any drains and channels. The plan would outline the conservation of wetlands, as well as the maintenance of drains and channels. It should also provide for meeting soil erosion goals and controlling non-point pollution.

Such a conservation planning system should replace the existing sodbuster, swampbuster, Corps of Engineers floodplain and other regulations which impact agricultural lands. The plan should be supervised and approved by the ASCS committee process, with the technical assistance of the SCS.

Once the plan is filed with ASCS and implemented, a producer would be deemed to be in compliance with all federal agencies. Producers should be allowed to remedy inadvertent or unavoidable failures to carry out conservation plan practices, otherwise penalties should be based on the degree of the violation. Loss of full federal farm program benefits should be imposed only in cases of purposeful destruction of conservation practices.

1. Government Programs

Government conservation programs should be funded at levels that will ensure the continued protection of our nation's soil and water resources. Such financing should be on a long-term basis, providing federal commitments for at least five years ahead and providing conservation assistance on a level designed to meet the needs as shown in the federal land conservation inventory and the appraisals under the Resource Conservation and Recovery Act of 1976 and other federal studies.

The needs are so widespread and urgent that any "targeted conservation" program would, if it were motivated by something more than budget savings, have to call for a vast expansion of federal conservation investment.

We request that federal financing to meet clean water and air standards of the Environmental Protection Agency (EPA) be available to farmers from funds appropriated by Congress for this purpose, and that such funds be administered through the farmer-elected ASCS committees.

We urge continued improvement and acceleration of the small watershed programs.

We support the FACT Act's continuation and expansion of the Great Plains Conservation Program, Agricultural Conservation Program (ACP), Rural Clean Water Program, Water Bank program, and other soil and water programs, and we urge full appropriations of funding.

We urge that ACP be funded at not less than the $500-million level as originally authorized by the Soil Conservation and Domestic Allotment Act of 1937, and we strongly urge that the conservation cost-sharing delivery system for all rural federal conservation cost-sharing funds be through the farmer-elected ASCS committee system.

Farmers should be able to put strips into grass for soil conservation purposes and use these strips year after year for diverting and conserving without losing base.

We ask for an extension on compliance of soil conservation plans due to be completed by 1995.

2. Agricultural Resources Conservation Program

We support the new Agricultural Resources Conservation Program (ARC). We urge full funding of the three branches of ARC — the Conservation Reserve Program, the Wetlands Reserve Program, and the Water Quality Incentives Program — to ensure proper implementation.

We also support the FACT Act's greater emphasis on improved farm management techniques. Teaching farmers to be the best possible stewards of their resources is a better long-term approach to sustainability than simple land retirement.

We recommend that the payments due to cooperating farmers in the ARC programs be in cash, rather than in certificates or CCC commodities.

We support the 25% per county acreage limit for the ARC Program.

The CRP program needs to be closely monitored by SCS with enough funding to enforce contract requirements for adequate weed, insect, and fire control.

In extending the Conservation Reserve Program and CRP contracts, we recommend that the program be better focused to serve the needs of family farmers and ranchers and to protect highly erodible and other environmentally-sensitive lands.

CRP lands which can qualify for the Wetlands Reserve or Water Quality Incentive programs should be extended and transferred to those programs through voluntary participation.

CRP lands which are most environmentally sensitive should be given first opportunity for contract renewals.

CRP lands diverted into long-term timber and forestry conservation projects should be given a high priority for contract extensions.

We favor CRP contracts and contract extensions for periods of not less than 10 years. We favor programs which maintain CRP lands in private ownership in the hands of resident family farm and ranch operators.

We urge that incentives to aid beginning farm and ranch families should be received on land leaving the CRP program.

We urge that financial and technical assistance be provided to producers in preparing CRP acreages for sustainable agricultural systems that will meet established conservation standards.

We recommend that planting property to shelterbelts or other conservation measures be encouraged through reduced property taxes on those acres.

We recommend that producers who destroy shelterbelts or wooded areas establish the same number of acres of new trees for a minimum of 10 years.

In times of extended drought conditions, haying or grazing on CRP acres should be allocated by ASCS to all livestock producers based on need. These regulations should be in place so the procedures are known in advance.

3. Sodbuster and Swampbuster Provisions

We support changes made in the FACT Act which give the Secretary greater authority in handling sodbuster and swampbuster violations, and urge the Secretary to issue implementing regulations quickly.

The goal of soil conservation practices should be to reduce soil losses to tolerable levels. We recommend that alternative conservation systems be used only in cases of financial hardship, after recommendation of local conservation officials.

4. Wetlands

Wetlands deserve protection in order to preserve harmony with the nation's land and its resources and natural systems on which all life depend. Many environmental programs to provide that protection have been developed, including those contained in sections 401 and 404 of the Clean Water Act, "Swampbuster" provisions of the 1985 Food Security Act, and the Wetlands Reserve Program in the Food, Agriculture, Conservation, and Trade Act of 1990.

We support the Memorandum of Agreement among the U.S. Corps of Engineers, Fish and Wildlife Service, Environmental Protection Agency and Soil Conservation Service.

Making SCS the lead agency in wetlands delineations on agricultural land will make farmers more pro-active in their efforts to move their operations toward environmentally sound practices.

We support the joint efforts of these agencies to propose a single set of definitions and rules in the 1991 proposed revisions to the 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, which are pending release. However, the proposed manual's exemption of the prairie pothole region of the United States from its coverage leaves many farmers with no chance for an improvement in wetlands procedures. This critical error must be corrected in the final manual, since commodity production and farm survival are at stake.

In addition, we recommend:

a. that any and all wetlands determinations throughout the United States rely on the presence of all three of the following mandatory wetland criteria simultaneously appearing on the same site: (1) hydrology; (2) a predominance of hydric soil; and (3) a prevalence of hydrophytic vegetation;

b. that all existing wetland determinations be reevaluated under the proposed manual's uniform definitions and procedures with the elimination of buffer zones;

c. that the federal government consult with state and local governments to develop a unified, mutually agreeable management program to protect our nation's wetlands;

d. that a wetlands management program balance wetland values and the needs of the various states and their political subdivisions and individual property rights;

e. that any leaseholder, renter, or owner be compensated equitably for the taking of any lands through the classification of wetlands;

f. that for the protection and preservation of our natural resources as well as our human resources and our free enterprise system and democratic way of life, the final interagency manual be revised with greater consideration for the food and fiber producers of the United States; and

g. that Congress study the impact of current and or any new wetlands proposals on agricultural producers and rural communities and give careful consideration in identifying and separately regulating any artificially created wetlands. We ask for a public comment period prior to the implementation of any wetlands rules or laws.

5. Predator and Rodent Control

Since the 1931 Animal Damage Control Act (ADC) mandates that the federal government shall protect the livestock industry from predatory loss, we recommend that the original intent of the law be enforced.

Judicious use of control practices must be continued on federal, state, and private lands to control coyotes and other predators.

To the extent that an adequate ADC program is not available to farmers, we recommend that a federally financed indemnity program be instituted to pay for livestock losses.

O. Wildlife

We oppose acquisition of productive farmland through use of the eminent domain process to extend wildlife habitat. The arbitrary designation of portions of farm units for wildlife propagation on land designated for wildlife mitigation, without negotiation with a willing farm operator, is disruptive and destructive to the efficiency of family farm management.

P. Army Corps of Engineers

We urge that the authority of the Army Corps of Engineers be limited to its historic role of maintaining navigable waterways, dams, and facilities on public lands. We urge the corps to make rebuilding levees destroyed by the 1993 floods a priority.

Q. Nuclear, Radioactive, and Toxic Wastes

We urge enactment and vigorous enforcement of legislation, both federal and state, to prohibit dumping of nuclear, radioactive, toxic and other hazardous wastes (hazardous waste) in the United States without detoxification. We also encourage development of hazardous waste disposal methods with stricter enforcement of laws on transporting, handling and disposal of hazardous waste. The current practices of disposing hazardous wastes in existing landfills and surface mine sites, spreading hazardous wastes on land surfaces, and injecting hazardous wastes in deep-well sites should be discontinued. Alternative disposal sites should be identified which eliminate the risk of surface and groundwater contamination, protect the health and safety of citizens, and protect the soil and water of agricultural lands, from which the nation's food is produced. Final decision-making authority for determining disposal sites and methods should be vested in the citizens residing within the affected community.

R. Endangered Species

The reauthorization of the Endangered Species Act and the actual and potential listing of certain endangered species as threatened or endangered is of great concern to agriculture throughout the country.

This issue requires a balanced and fair resolution which protects the environment while at the same time considering the economic impact on agriculture and other industries.

We recommend that any economic impact which significantly increases the cost of agricultural production be mitigated by the federal government and those costs be paid by the taxpayers.

S. Surface Mining

We support strong enforcement of the Surface Mining Control and Reclamation Act to include hard rock and to ensure that land stripped to recover underground resources is returned to its original or better condition.

We further support public involvement in the monitoring and enforcement of the Act.

With proper enforcement of the Act, energy and other resources can be provided without permanently damaging one of the nation's most important resources -- agricultural land.

NACD

Statement of the
National Association of Conservation Districts
on the
Conservation Compliance Provisions
of the 1985 Food Security Act

Presented to the
House Agriculture Subcommittee
on Environment, Credit and Rural Development
August 11, 1994

Mr. Chairman and members of the subcommittee, my name is Ernest Shea and I am the Executive Vice President of the National Association of Conservation Districts (NACD). I appreciate your invitation to appear today to present the views of America's conservation districts on the conservation compliance provisions of the 1985 Food Security Act.

The National Association of Conservation Districts (NACD) represents nearly 3,000 local conservation districts across the United States and its territories, and more than 15,000 men and women who serve on their governing boards. Conservation districts coordinate and carry out comprehensive natural resource management programs that address such issues as forest and rangeland management, wetland protection and enhancement, agricultural and urban erosion and sediment control, wildlife habitat management and nonpoint source pollution abatement.

As local, special-purpose units of government, conservation districts have, for more than fifty years, helped to bridge the gap between federal and state conservation management programs and the land managers who are affected by those programs. Their local involvement and ties to the community give districts a special perspective from which to build the trust and confidence of their constituency.

Conservation districts and our state conservation agency partners have been strong supporters of the conservation programs established under the 1985 and 1990 Farm Bills. With regard to conservation compliance provisions, we have not only worked closely with the Soil Conservation Service in developing compliance plans, we have also played an important role in approving individual plans.

The Food Security Act of 1985 (P.L. 99-198) assigns conservation districts the authority to approve conservation plans developed under the Highly Erodible Land Conservation and Conservation Reserve Program subtitles. The 1990 Food, Agriculture, Conservation and Trade Act of 1990 (P.L. 101-624) expands those authorities to include developing and approving wetlands conservation and management plans under the Wetlands Reserve Program, as well as total resource management systems under the Integrated Farm

Management Option. It is with this background that we provide our observations, opinions and recommendations today.

A NEW WAY OF DOING BUSINESS

Nearly a decade ago, the passage of the 1985 Food Security Act marked a tremendous shift in American farm policy. This policy shift mandated that farmers and ranchers comply with certain conservation rules in order to remain eligible for most USDA farm program benefits.

These changes resulted in a new way of doing business, not only for farmers and ranchers, but also for the federal, state and local conservation agencies that coordinate and carry out natural resource management programs.

For the past nine years, we have made the successful implementation of these new conservation programs our top priority. The challenges we faced were enormous and along the way we encountered many obstacles and barriers.

The first challenge was to assist SCS in completing an inventory of the cropland that would be affected by the conservation compliance provisions of the 1985 Farm Bill. This inventory revealed that of the nation's 400 million acres of cropland, 145 million acres were classified as highly erodible land (HEL) and subject to the use of an approved conservation system.

Our next challenge was to develop conservation compliance plans for the HEL producers who requested assistance. Through the use of innovative and streamlined planning techniques, 1.2 million conservation plans were developed for more than 140 million acres of highly erodible cropland. Even though the workload was even greater than first estimated, the federal, state and local conservation partners met the December 31, 1989 planning deadline.

Completing this task in a three-year time frame was an extraordinary achievement that, unfortunately, is poorly understood by many. Few people truly appreciate the magnitude of what was accomplished during the planning phase of compliance.

One concern that NACD expressed early on in this phase of the program concerned the quality of plans developed in such haste. The program deadline was met, but at a price: a number of compliance plans were not well written and landowner understanding of their requirements was poor. In fact, much of the next year and a half was spent working with producers to upgrade their plans and develop realistic schedules for application of best management practices (BMPs). Had more time and resources been available, quality plans could have been developed in the first place.

We also experienced some difficulty with mixed and contradictory policy signals to the field. The best example of this problem was whether producers would be required to reduce erosion to the soil loss tolerance level (T). After prolonged debate, the decision was reached to use "T" as a planning goal, but to allow producers to utilize alternative conservation systems (ACS). NACD strongly supported the decision to allow the use of ACS because we found that in many instances it was not economically feasible for producers to reduce erosion to "T". The use of ACS provided much-needed flexibility, and at the same time, resulted in substantial reduction in erosion levels.

We also experienced and witnessed other program implementation problems such as weak and inconsistent documentation procedures, lack of consistency across district and state lines and lack of clear guidelines for plan revisions, variances and extensions.

Over the course of the past several years, however, program administration, operation and implementation procedures have been strengthened and most issues identified in the program evaluations have been addressed.

For the past five years, our efforts have focused on helping producers implement their plans. As of January 1, 1994, compliance systems had been applied to 100 million acres, or 70 percent, of the highly erodible cropland acres requiring treatment. By the December 31, 1994 application deadline, SCS estimates that 92 percent of the plans for America's most highly erodible cropland under cultivation will be implemented. When fully implemented, these conservation systems are projected on average to reduce erosion from 17 tons per acre per year to approximately 6 tons per acre per year.

Despite the short timeframes, limited financial resources and program implementation problems, we feel that conservation compliance has been remarkably successful in reducing cropland erosion. It has also resulted in numerous other additional environmental benefits including improved surface and groundwater quality, enhanced fish and wildlife habitat, cleaner air and improved soil quality.

CONSERVATION COMPLIANCE EFFECTIVENESS

NACD was a member of a Food Security Act evaluation team established in 1993 by the Soil Conservation Service. The team looked at management, operation and implementation of conservation compliance in different regions of the country, accomplishments achieved and impacts on producers. Representation on the team consisted of a diverse cross-section of federal agencies, commodity groups and conservation and environmental organizations. The team was also created to provide a documented response to those who questioned the effectiveness of compliance planning, implementation and enforcement.

The team spent several weeks visiting high workload compliance states, reviewing plans and case files, conducting interviews with SCS, ASCS, FmHA and Extension field office personnel and conducting field visits. The results outlined in USDA's FSA Evaluation Case Study Report included the following determinations:

- Compliance and other Food Security Act provisions have resulted in SCS being able to work with a much higher percentage of producers in most areas.
- Producers in every area visited felt that more emphasis should be placed on voluntary solutions, incentives, educational efforts and demonstration programs.
- Most producers felt that the five-year planning and implementation schedule was reasonable.
- The plan revision process has caused confusion and paperwork problems for both producers and agency personnel.
- Producers in every area expressed dissatisfaction with the penalty provisions for non-compliance.
- Producers are seeking more economic information about various conservation system alternatives.
- Producers in every area favored more local involvement and control over program implementation and interpretations.
- Despite needs identified to further improve program implementation, there was strong evidence of improved and continued strengthening of program implementation procedures in the last two years in every state visited.

RECOMMENDATIONS

After reviewing what we've learned by our close association with conservation compliance over the last ten years, we offer the following recommendations:

1.) In order to effectively implement any conservation program, adequate resources must be provided for technical assistance and other incentives. Actions mandated in the 1995 Farm Bill must be coupled with realistic and adequate appropriations to get the job done. The single biggest obstacle faced by districts, SCS and farmers was the sheer magnitude of the workload. When the Farm Bill programs were being debated, Congress did not thoroughly evaluate the workload that would be created and the technical assistance that would be required to get the plans written and implemented. The bottom line is that adequate assistance wasn't available then and still isn't today. This is especially true when you consider that, at the same time that we are trying to stay on schedule with compliance, the same employees are also trying to carry out other Farm Bill programs -- the Conservation and Wetlands Reserve Programs, Swampbuster, the Integrated Farm Management Option and the Water Quality Incentives Program, for example. These same people also are working on other federal programs such as the Great Plains Conservation Program and the Clean Water and Coastal Zone Act programs, as well as state and local programs that provide technical assistance for wetlands protection and management, for water quality, forestry, range, flood control, wildlife and a host of urban conservation needs. Because SCS has been forced to direct most of its resources to the Farm Bill initiatives, these other programs -- our base programs -- have suffered. NACD surveys show that to effectively address all of these resource concerns, an additional 10,000 technical employees are needed at the field level.

2.) Future programs need to be more streamlined and user friendly. **We also need to shift emphasis from planning conservation systems to applying conservation systems.** One of the major weaknesses of conservation compliance was the amount of time, energy and resources it took to develop written conservation plans. Although developing 1.7 million conservation plans can be cited as an accomplishment, a more important measure of success is how many conservation practices are being implemented on the ground. Much greater emphasis should be directed towards helping producers install the practices called for in their conservation plans.

3.) Despite the success of conservation compliance, it's important to remember that its focus is narrow. Conservation compliance targets producers who participate in USDA programs and who farm highly erodible land. Producers who do not receive USDA program benefits and operate on highly erodible land are not affected by compliance. Conservation compliance also does not address water conservation issues, farm related nonpoint pollution, pasture and range management, forest management, wildlife habitat enhancement and other environmental problems resulting from improperly managed agricultural activities.

While it is important to control soil erosion where commodity crops are grown, we need to address a wider spectrum of natural resource management issues.

4.) The 1985 Farm Bill employed a penalty-based approach that punished negative behaviors -- producers who farm highly erodible land must apply an approved conservation plan or lose USDA farm program benefits. This disincentive approach has been effective in getting more conservation on the land. However, much more could be accomplished by offering incentives or rewards to land managers who have avoided natural resource problems by practicing good stewardship in the first place.

America's conservation districts believe that we need to refocus the nation's conservation and natural resource management programs. In addition to the FSA compliance-based approach, we need to develop an incentive-based program that recognizes and rewards good stewardship practices. **We support the concept of environmental credits**, earned by farmers when they implement a comprehensive conservation system. Such incentives could offer better ways to support agriculture while, at the same time, protecting and improving the environment.

The credits could be earned when achieving conservation goals that exceed a national baseline that would then qualify the farmer for specific program benefits or could even be traded on the open market. This market-based approach would promote innovation and increased cost-effectiveness. For example, credit values of specific conservation practices or systems could be tied to both the cost and the effectiveness of the practices or systems. This would make it to the producer's advantage to find the most cost-effective way of implementing a system to increase the value of the credit earned.

5.) **New programs need to focus on a global, or ecosystem-based approach**, rather than considering each resource on its own. Along with any new initiatives we develop for the 1995 Farm Bill, agriculture also will have to contend with the requirements of the Coastal Zone Act, Clean Water Act, Safe Drinking Water Act, Endangered Species Act and many state and local conservation programs in place. A vehicle is needed to help integrate all of these various requirements into a single, holistic plan that will encompass the diversity of the landscape.

6.) **We recommend that farmers have more flexibility in planting crops on base** acreage. Under a more flexible program, farmers would be allowed to plant any crop on permitted base and still be eligible for deficiency payments. This would provide another economic incentive for conservation-minded farmers.

America's conservation districts look forward to the discussions and debates that will help to form the 1995 Farm Bill. Our members will be engaged in town hall meetings across the nation this summer and fall, asking our customers, the landowners and land users of America, what they think about current farm bill provisions. Our position will incorporate a consensus of what they regard as successful programs to be retained and new programs that will strengthen and improve American agriculture. Thank you for the opportunity to offer our comments and suggestions.

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TESTIMONY BEFORE

ENVIRONMENT, CREDIT, and RURAL DEVELOPMENT SUBCOMMITTEE of the AGRICULTURE COMMITTEE U.S. HOUSE OF REPRESENTATIVES

ON CONSERVATION COMPLIANCE

Presented by:

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August 11, 1994

Introduction

The National Wildlife Federation (NWF) is the nation's largest conservation education organization. Founded in 1936, the NWF works to educate and assist individuals and organizations to conserve natural resources, and to protect the Earth's environment. We have long been keenly interested in the Food Security Act or Farm Bill and played a key role in the development and implementation of the Farm Bill's conservation title, including Swampbuster and Sodbuster, in 1985 and 1990.

We appreciate this opportunity to testify before the Subcommittee on Environment, Credit and Rural Development of the Agriculture Committee. Our testimony concentrates on the Department of Agriculture's (USDA) administration of Swampbuster. In addition, we offer some general comments concerning compliance with conservation plan requirements and Sodbuster.

General Background

In the history of this country, we have the sad legacy of billions of tons of highly erodible soil lost from our nation's croplands and tens of millions of wetland acres converted to farmland. Fortunately, public concern with the environment in combination with the capability of our nation's farmers to produce more of the major commodities than domestic and export markets could absorb, led to a consensus that USDA should not subsidize the use of highly erodible land and conversion of wetlands for crop production. In essence, farmers, conservationists, and the general public agreed that certain lands should not be plowed or drained. As a result, Congress passed the 1985 "Farm Bill" and reauthorized it in 1990. The Farm Bill established conservation programs and initiatives to reduce erosion on highly erodible cropland, to address the conversion of wetlands to cropland, and to fund the Conservation Reserve Program.

The Swampbuster, Sodbuster, and conservation plan initiatives included in the conservation title (Title XII) of the Farm Bills have improved environmental stewardship by production agriculture. It must be recognized that over 36 million acres have been retired under the Conservation Reserve Program (CRP). Obviously, land retirement through the CRP has played a monumental role in the reduction of soil erosion and wetland conversions. These programs and initiatives have achieved numerous natural resource benefits, including cleaner water, less property damage from flooding, better habitat, and increased numbers of fish and wildlife.

Now that the Farm Bill is due for reauthorization in 1995, we must ask if these programs need to be continued and improved? The answer to both questions is "yes", because the programs fall short of the goal to protect the nation's erodible land and wetlands, as envisioned when the 1985 and 1990 Farm Bills were enacted.

Through commodity programs, the federal government has created powerful economic incentives for farmers to produce crops. According to a Congressional Research Service report, between 1983 and 1992 wheat, feed grains, cotton, and rice producers received approximately $100 billion through various commodity programs, including income supplement and price support programs.[1] By way of comparison, approximately $20 billion was spent on CRP from 1985 to 1994 (9 years).

Unfortunately, by directing American taxpayer dollars into commodity programs, the federal government provides incentives to farmers to continue activities that are inimical to our nation's valuable natural resources. Any meaningful and effective conservation initiative must offset or counter these incentives or delink income support with commodity production. In the 1985 and 1990 Farm Bills, Congress attempted to counter commodity-based incentives by linking a farmer's eligibility for commodity program benefits with his or her conservation activities. To remain eligible for the benefits, farmers are required (1) to develop plans to apply approved conservation techniques to reduce erosion on highly erodible lands; (2) to refrain from converting certain wetlands to farmland; and (3) to refrain from growing crops on certain highly erodible land.

Under the current system, we strongly support the linking of farmers' eligibility for commodity program benefits with their conservation activities as the best method to offset commodity-based incentives to farm highly erodible lands and wetlands. This makes good environmental sense and good economic sense for American taxpayers.

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[1] An Introduction to Farm Commodity Programs. Congressional Research Service. (December 1992).

Sodbuster

Prior to 1985, over 420 million acres of cropland existed in the United States. Moreover, pasture, range, wetlands, and other lands were converted to cropland at a rate of 3.7 million acres a year.[2] Due to the large number of cropland acres in this country, soil erosion emerged as a major environmental problem. Action was needed because 3.1 billion tons of soil eroded annually.[3] Soil erosion leads to a decrease in agricultural productivity, an increase in sedimentation of water bodies, and increased damage to both surface and groundwater quality.[4]

Through the 1985 and 1990 Farm Bills, Congress established a "Sodbuster" provision to protect highly erodible land from agricultural production. It directly linked a farmer's eligibility for commodity program benefits to conservation activities. To remain eligible for commodity program benefits, farmers must not grow crops on highly erodible land that was not farmed prior to 1985. Moreover, on highly erodible land farmed prior to 1985, farmers must develop and implement approved conservation plans to remain eligible for benefits.

The protection of highly erodible land with Sodbuster's laws and regulations must be maintained in the 1995 Farm Bill. Moreover, conservation plans that have been developed as a

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[2] Conservation Compliance Provisions Could Be Made More Effective. General Accounting Office. (September 1990), p.2. (hereinafter, "GAO Report").

[3] GAO Report, p.2.

[4] GAO Report, p.2.

consequence of the law must be better implemented.

Swampbuster

Importance and Status of Wetlands

The benefits of wetlands are well documented. Wetlands provide numerous benefits including flood control, clean water, and important fish and wildlife habitat.

Regarding flood control, wetlands generally act as natural sponges, and one acre of wetland is able to store about 360,000 gallons of water if flooded to a depth of only one foot. A study conducted in Wisconsin documented flows to be reduced up to 80% in basins with wetlands and lakes.[5]

In addition to flood control, the water absorption ability of wetlands generates other benefits. For instance, prairie potholes in North Dakota hold rain and runoff water. The draining of prairie potholes greatly increases the rate at which water moves off the landscape into the floodplain.[6] Thus, when heavy rains occur, a larger amount of valuable topsoil is lost to the detriment of farmers and all society.

One of the most important functions that wetlands provide is helping to maintain and improve the water quality of our nation's rivers, streams, and other surface and groundwaters. Wetlands act as nature's kidneys, filtering polluted waters, removing and retaining nutrients, processing organic wastes, and reducing sediment loads to receiving waters. The high rate of biological activity associated with wetlands helps clean the water.

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[5] R.P. Novitski, "Hydrology of Wisconsin's Wetlands," U.S. Geological Survey, Madison Wisconsin (1982); S. Feierabend, "Status Report on Our Nation's Wetlands", National Wildlife Federation, Washington, D.C. (1987).

[6] S.E. Faber, "Letting Down the Levee," National Wetlands Newsletter (November/December 1993) at 5.

Wetlands also provide essential habitat for waterfowl and other wildlife. Prairie potholes alone provide vital habitat for 50-80% of North America's waterfowl. In fact, 43% of this nation's threatened and endangered species are dependent on wetlands in some stage of their lifecycle.

Although wetlands provide numerous benefits, this valuable resource has been and continues to be destroyed. Of the original 220 million acres of wetlands that once existed in this country, only about 104 million acres remain in the lower 48 states.[7] According to the U.S. Department of Interior's Fish and Wildlife Service (FWS), this country suffered a net loss of 2.6 million acres of wetlands over a nine-year period prior to 1991.[8] During the nine-year period, approximately 290,000 acres of wetlands were lost each year.

In some states' wetlands losses have been extreme. For example, California and Ohio have lost more than 90% of their original wetlands, and Iowa, Indiana and Illinois have lost 89%, 87%, and 85% respectively. Ten states have lost 70% or more of their original wetlands acreage. The serious erosion of our national wetlands inventory is underscored by the fact that 22 states have now lost more than 50% of their original wetlands.[9]

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[7] Senate Report on the Water Pollution Prevention and Control Act of 1994. Committee on Environment and Public Works of the U.S. Senate. (S.Rept. 103-257), p.108. (hereinafter "Clean Water Report").

[8] Status and Trends of Wetlands in the Coterminous United States. U.S. Department of the Interior, Fish and Wildlife Service. (1991). (hereinafter "1991 FWS Report").

Conversion of wetlands to land suitable for agricultural production has been the primary reason for the loss of a significant portion of this resource. According to FWS, 54% of wetlands lost in this country were attributed to agricultural conversions.[10]

Swampbuster and Wetlands Conversion

Through the 1985 Farm Bill, Congress attempted to offset commodity program-based incentives to farm wetlands. By establishing a "Swampbuster" provision that prohibits the production of crops on a converted wetland, Congress again linked a farmer's eligibility for commodity program benefits to the person's conservation activities.

Under Swampbuster, if a farmer drains a wetland and subsequently grows crops on the land, the farmer becomes ineligible for federal funds such as price supports, farm storage facility loans, disaster payments, FmHA loans, and Commodity Credit payments. The 1990 Farm Bill tightened the Swampbuster provision so that a farmer would become ineligible for federal funds if a wetland were drained, regardless of whether crops were grown.

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[9] Dahl, T.E. 1990. Wetland losses in the United States 1780's to 1980's. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. 13 pages.

[10] 1991 FWS Report.

We believe the long-term health and sustainability of both the environment and production agriculture are possible. Farmers must be able to make a living, but not at the expense of the environment. Moreover, we are firmly convinced that, to protect our nation's remaining natural resource heritage, the agricultural community must play a much greater and responsible role in the stewardship of America's soil, air, and water.

Although considered an innovative and constructive approach to protecting our dwindling wetland resources, quite simply, Swampbuster has failed to live up to its expectations. Unforeseen loopholes in the statute coupled with unenthusiastic implementation and enforcement by USDA have undermined the effectiveness of the program.

It is our recommendation to this Committee that Congress continue building on the linkage of environmental stewardship and agriculture operations established in the 1985 and 1990 Farm Bills. To accomplish the linkage goal, Congress should maintain and expand the scope of Swampbuster; require USDA to amend its county and state committee structure and appeal process; and eliminate fifteen of the sixteen exemptions to Swampbuster that have emerged. All attempts to dilute Swampbuster's ability to offset commodity program-based incentives to convert wetlands must be rejected.

Swampbuster has been a deterrent to further wetland drainage among agricultural producers. In fact, many producers have accepted it as part of their farming operations. Having institutionalized Swampbuster, there will be a greater level of acceptance among farmers to expand this protection device in the 1995 Farm Bill.

At this time, farming operations that do not produce crops with commodity crop price supports, or do not rely on federally subsidized loans or insurance programs, can ignore Swampbuster altogether. Swampbuster is only effective in those areas where participation in farm programs is high and where commodity subsidies contribute significantly to farm income profitability. Thus, it does not protect wetlands on all agricultural land.

To make Swampbuster more effective, USDA must improve implementation and enforcement. Under USDA, the Agricultural Stabilization and Conservation Service (ASCS), is vested with the primary responsibility for implementing and enforcing Swampbuster. The ASCS administrator enforces Swampbuster in the field through state and county ASCS committees. These committees are to issue unbiased swampbuster decisions that affect a producer's eligibility for receiving farm program benefits by determining:

- Whether an individual produced an agriculture commodity on an area that was a converted wetland;

- Whether the agricultural commodity produced was planted prior to December 23, 1985, or during any crop year before December 23, 1985; and

- Whether the conversion of the wetland on which the agriculture commodity was produced "commenced" prior to December 23, 1985.

Two large obstacles exist that significantly inhibit the effectiveness of this program. First, ASCS is commodity dominated and not sensitive to environmental issues. Second, and equally important, the ASCS county and state committee appeals process excludes individuals or organizations who are not producers. The current appeal regulations provide that only the producer may appeal a determination. Thus, there is no advocate for taxpayer or public interests impacted by the conversion of wetlands. According to USDA by 1989, 393 producers had appealed decisions involving the denial of benefits due to Swampbuster violations. Of the 393 appeals, only 26 producers had been denied benefits for Swampbuster violations.[11] **We strongly recommend that the 1995 Farm Bill amend Swampbuster to provide that non-producers may appeal county and state committee decisions.**

The Soil Conservation Service (SCS) also plays a vital role concerning the effective application of Swampbuster. SCS is primarily responsible for making wetland determinations pertaining to Swampbuster, but needs to better embrace this responsibility. A major problem with SCS's transition is that in the past the agency's personnel were trained to facilitate wetland drainage, as opposed to wetland protection.

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[11] Implementation of the "Swampbuster Provisions of the Food Security Act of 1985. Environmental Law Institute. (1990) p.24.

The need for SCS to better embrace its regulatory responsibilities is best illustrated by the agency's failure to identify 5,846 temporary and seasonal wetlands in southwest Kansas in 1990. While FWS had identified 5,846 wetlands in southwest Kansas, SCS had identified only 3. Fortunately, due to NWF's intervention, SCS corrected its mistake.[12] However, this example represents the danger of SCS failing to satisfy its responsibilities and delineate wetlands to be protected under Swampbuster.

The recent Memorandum of Agreement (MOA) between the SCS, FWS, Environmental Protection Agency (EPA), and the Army Corps of Engineers gives SCS the lead in making wetland determinations on agriculture land. But, inadequate financial resources is hampering SCS's ability to delineate wetlands. USDA should better allocate its resources to allow SCS to identify wetlands nationwide and to provide adequate staff and training.

Swampbuster Exemptions

Immediately upon enactment of Swampbuster, USDA, under the previous administration, began to establish exemptions to this law. Through the rulemaking process and with field manuals USDA has established sixteen exemptions to Swampbuster.[13]

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[12] Anthony N. Turrini. "Swampbuster: A report from the Front", Indiana Law Review, v.24 (1991), pp. 1522-23. (hereinafter "Swampbuster Report").

These exemptions and USDA's inappropriate application of certain exemptions dilute Swampbuster's ability to counter commodity-based incentives to farm wetlands. The exemptions have also sent mixed signals from USDA to producers.

As a result, we recommend Congress direct the Secretary of Agriculture to eliminate all but the hardship exemption provided under current law, rules or field manuals. In addition, Congress should eliminate all but the hardship exemption in the 1995 Farm Bill. However, the hardship exemption should be tightened to stop abuse of this exemption.

Prior experience establishes that ASCS has inappropriately applied especially the commenced conversion Swampbuster exemption to the detriment of wetlands. In general, if conversion of the wetland began prior to 1985, the resource is exempt from Swampbuster's protections. The producer is required to present some evidence of funds being expended to drain an area and the drainage project being actively engaged to ASCS.

According to the General Accounting Office, based on a sample of 23 requests for the commenced conversion exemption, ASCS approved nine of the requests without appropriate documentation.[14] Moreover in 1990, NWF was forced to file suit to prevent an ASCS county committee from applying the commenced conversion exemption to 6,500 acres in North Dakota, even though the criteria for the exemption had not been satisfied.[15] Finally, an ASCS study concluded that of the 986 commenced compliance exemptions allowed, the agency had improperly allowed 556 or 56% of the exemptions.[16].

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[13] The sixteen exemptions to Swampbuster are: 1) Prior converted cropland; 2) Artificial wetland; 3) Irrigation-induced wetland; 4) Wetlands farmed under natural conditions; 5) Minimal effect pre-conversion; 6) minimal effect post-conversion; 7) Farmed wetlands; 8) Farmed wetlands pasture; 9) Good faith wetlands; 10) Mitigation wetlands; 11) Converted wetland technical error; 12) Converted wetland, non-agriculture use; 13) Commencement determination; 14) Late-filed commencement determinations; 15) Third part commencement determination; 16) Hardship commencement determination.

In addition to improperly applying the commenced conversion exemption, ASCS manufactured a new exemption. ASCS originally had a sunset date of September 19, 1988, in which a producer was required to have applied for a commenced conversion exemption. After the September 19th date had expired, ASCS stopped accepting applications for commenced exemptions. However, ASCS then manufactured a new exemption entitled a "late-filed commenced conversion exemption", which is still used today, some nine years after Swampbuster was enacted.

The existing exemptions to Swampbuster severely weaken this law's ability to protect wetlands from being converted. In addition, the inconsistent application of Swampbuster's commenced conversion exemption further exposes wetlands to being destroyed. By eliminations these broad exemptions to Swampbuster, Congress would be sending a clear message that wetlands are to be protected.

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[14] GAO Report, pp.32-33.

[15] Swampbuster Report, p.1515.

[16] Swampbuster Report, p.1520.

Conclusion

Federal commodity programs that encourage and subsidize agricultural production also create significant incentives for farmers to farm highly erodible land and wetlands - valuable national resources. Through the 1985 and 1990 Farm Bills, Congress attempted to offset the commodity program-based incentives to farm highly erodible land and wetlands. By linking eligibility for commodity program benefits to conservation practices, Swampbuster, Sodbuster, and conservation plan requirements, for the most part, have shielded highly erodible land and wetlands from agricultural production.

Unfortunately, through lethargic administrative practices and due to an expansion of exemptions, the ability of Swampbuster to offset incentives tc farm wetlands has been diminished. The 1995 Farm Bill must continue the linkage of commodity program eligibility with conservation practices and strengthen Swampbuster both substantively, through the elimination of the exemptions, and administratively. Unless the significant incentives to convert wetlands are countered, this valuable resource will continue to be lost.

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Review of Current Progress in Conservation Compliance and Recommendations for Future Direction

Statement of the American Farm Bureau Federation
to the
Subcommittee on Conservation, Credit and Rural Development
House Agriculture Committee

August 11, 1994

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Conservation compliance is of great interest to Farm Bureau's four million member families. We commend the House Agriculture Committee for its past leadership in providing appropriate incentives, technical assistance and the flexibility to enable agriculture to voluntarily address soil conservation and water quality concerns.

We would like to address the positive conservation results farmers have achieved, reasons some conservation compliance efforts may deserve variances, and areas where the conservation compliance program should be changed.

Farmers Are Willing To Pursue Excellence

Our farmer and rancher members realize that neither they, nor the nation, can afford the preservationist goal of pollution free to the last molecule when it comes to controlling soil erosion and agricultural runoff. However, they are willing to pursue excellence in conservation and environmental improvement.

Agriculture has met environmental challenges in a big way in the last decade.

> Crop protection chemical use is down 31 percent between 1982 and 1993.
>
> Nitrogen use efficiency of U.S. corn grain is up 21 percent from 1980 to 1993.
>
> Conservation tillage is practiced on 34.9 percent of the planted acres.
> Erosion rates on cropland declined 25 percent from 1982 to 1992.
>
> U.S.G.S monitoring of water quality trends from 1980 to 1989 has shown improving trends in agricultural areas for nitrate concentrations, total phosphorus, and suspended sediment.

Although conservation compliance plans are necessary on highly erodible land in order for farmers to receive farm program benefits, the driving force behind these changes has been, and will continue to be, economics. Because farmers are price takers, not price setters, they are always looking for lower cost production methods. In the past decade, research has made available many new production methods that not only were more efficient and/or lower cost but also more environmentally friendly.

Future environmental gains will be dependent on research and development of more efficient methods of producing agricultural commodities. It is critical for agriculture's future to couple the research component with a delivery system of technical assistance, education and demonstration of a practice's comparative economics advantages. This combination, plus the incentive for innovation that comes from owning land, will keep agriculture a vital part of the U.S. economy and lead to further gains in environmental quality.

Voluntary Efforts Already Have Controlled 2.75 Times as Much Erosion as Will Conservation Compliance

Farmers know that it pays in the long-term to keep their productive soil base in good condition. They have a track record of voluntarily doing something about soil erosion.

When the Soil and Water Conservation Society (SWCS) evaluated soil erosion on highly erodible land in 15 counties in 1989, it found that farmers had already achieved an average of 2.75 times as much erosion control through their voluntary efforts as they will by implementing conservation compliance plans. Even so, our members do recognize the desirability of greater soil conservation as reflected in our policy which says, " We believe U.S. policies affecting agriculture should be designed to: ...(2) Continue to improve the environment through expanded initiatives to encourage voluntary soil conservation, water and air quality programs, and advanced technological and biotechnological procedures."

Steady Progress on Conservation Compliance

Farmers have made steady progress towards implementing conservation compliance plans. All indications are that this progress will occur at an accelerated rate during the final year of plan implementation. As of December, 1993, the USDA Soil Conservation Service (SCS) numbers show that 70 percent of the highly erodible cropland already has either a conservation compliance plan fully implemented or is under a Conservation Reserve Program (CRP) contract. This is based on SCS reporting code # 172 which means that all the conservation practices scheduled to be implemented over the five year period ending December 31, 1994, have already been implemented.

There are also many acres where part of the plan has been implemented as scheduled, but some additional practices are scheduled in the last year (1994) and have not yet been applied, or one year variances were granted in 1993. These plans are meeting the law's requirement that they be "actively applied." The latest numbers from SCS for 1993 found that 92 percent of the farms met the actively applied requirement in 1993, up from the 31 percent that met that standard in 1990.

Many Farmers Leaving More Residue than Plan Calls For

We would be remiss if we did not point out that many farmers are doing more than their plans call for, especially in terms of crop residue management. Corn residue cover is a good example. The SWCS team measured corn residue in 60 fields that were planned to have 30 percent residue cover. The average measured residue cover was 35.3 percent, and the range was from 5 to 80 percent. Forty-two (70%) out of the 60 fields had crop residue levels equal to or more than the planned level of 30 percent corn residue cover.

The 1993 Status Review Results from SCS found that overall average percent crop residue actually measured was greater than the overall planned levels in five out of the six categories. Only in the highest residue category where planned crop residue levels were to be above 59 percent did the actual overall measured average of 77.7 percent fall slightly below the planned average which was 84.4 percent. This is not a failure by any stretch of the imagination. Seventy-seven percent residue cover will control erosion from all but the worst storm events. When areas get 16 to 21 inches of rain in 24 to 48 hours, as has happened in the last several years, no amount of crop residue or conservation efforts can prevent some erosion.

Perception of Alternative Conservation Systems Unfounded

One of the points of contention in the late 1980's was whether conservation compliance plans should require only Basic Conservation Systems that would control all soil erosion to the tolerable soil loss value (T-value), or whether plans should allow Alternative Conservation Systems (ACS) that would take technical and economic feasibility into account.

Despite all the concerns that Alternative Conservation Systems would undermine conservation compliance, the SCS status review clearly shows this did not happen. Forty-seven percent of the plans that were reviewed were designed to control erosion levels to less than T-value when the plan is fully implemented. Another 34.2 percent of the plans will bring erosion to between "T" and "2T".

"T-values" have been somewhat arbitrarily assigned for most soils with most values ranging between 4 to 5 T/ac/yr of erosion. However, Bartelli[1] (1980) believes that on Tama, Decatur and Davidson soils found in much of Illinois the rate of formation of the topsoil with modern farming techniques is not less than 12 T/ac/yr, almost two-and-a-half times the SCS maximum for "tolerable" erosion. Therefore, many Alternative Conservation Systems would easily hold erosion below a T-value of 12 T/ac/yr on 86.3 percent, or more, of the Highly Erodible Cropland in Illinois.

Erosion Decreasing and Water Quality Improving

Despite EPA's recent but unscientific 305(b) report that points to sediment from agricultural nonpoint sources as the biggest impairment of the nation's streams, there are other national assessments using much better scientific methods that show dramatic reductions in soil erosion and improving trends in water quality.

The USDA's 1992 National Resources Inventory found that average sheet and rill erosion declined from 4.1 T/ac/year in 1982 to 3.1 T/ac/year in 1992. At least one-half of that reduction is due to voluntary conservation efforts of farmers, including some effects of conservation compliance. That figure should decline even more as the last two years of conservation compliance take effect and research helps other conservation tillage practices become even more economical.

Furthermore, an assessment of water quality trends from 1980 to 1989 by the U.S. Geological Survey found that:

> "Suspended-sediment concentrations and yields decreased slightly in most of the country, and the quantity of suspended sediment transported to coastal segments decreased or remained the same in all but the North Atlantic region. The steepest declines occurred in areas dominated by range and agricultural land.[2]

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[1] Bartelli, L. 1980. "Soil Development, Deterioration and Regeneration." Paper presented at the National Research Council Soil Transformation and Productivity Workshop, Washington, D.C., October 16-17, 1980.

[2] "Stream Water Quality in the Conterminous United States--Status and Trends of Selected Indicators During the 1980s," by Richard A. Smith, Richard B. Alexander, and Kenneth J. Lanfear, U.S. Geological Survey, 1993

Another study by Davie and Lant published in the July/August 1994 issue of The Journal of Soil and Water Conservation found that heavy CRP enrollments in two watersheds in Illinois reduced erosion by 24 percent and 37 percent. However, only a negligible 0.0125 percent and 0.265 percent decrease occurred respectively in the sediment load in the two streams over a three year period between 1986-1988. The authors caution that the seemingly disappointing results should be tempered by two considerations. First, reductions in suspended sediment in response to CRP enrollment are likely to be delayed for a considerable period as in- and near-stream sediments are remobilized naturally by the stream. Second, few of the CRP acres were in near-stream locations where hydrologic theory indicates they would be most effective in trapping and stabilizing existing near-stream sediments.

The point to be inferred for conservation compliance from the Davie and Lant study is that suspended sediment concentrations in streams will not likely improve immediately and dramatically just because conservation compliance plans have been implemented. It will take time for the stream to naturally resuspend and transport sediment that is already in the stream or near the stream. Also, conservation practices contained in conservation compliance plans are most often applied to highly erodible land that is not immediately adjacent to streams.

Erosion Reduction Estimates Still Holding

The Soil and Water Conservation Society (SWCS) analyzed 320 conservation compliance plans in 1990-91. They found that these plans would produce an estimated soil erosion reduction of 63 percent for cropland subject to sheet and rill erosion and 69 percent for cropland subject to wind erosion. Some analysts cautioned that actual erosion reductions may be less than projected because of plan revisions that would happen normally over the course of time and because some plans required overly optimistic crop residue levels. However, despite all the plan revisions that have taken place in the ensuing three years, the 1993 Status review from SCS still found conservation compliance plans will produce an average of 65.7 percent reduction in erosion compared to pre-plan rates. And that is a conservative estimate.

Weather Complications and Extenuating Circumstances

There are still a lot of structures such as terraces and waterways to construct as part of the conservation compliance plans. A long wet summer in the midwest in 1993, and floods in 1994 delayed construction of many of these practices which had been scheduled for 1993-94.

Farm Bureau believes that one-year variances should be allowed if weather or extenuating circumstances prevent implementation of scheduled practices.

Overachievers' Results Not Recognized

SCS's Status Review does not account for erosion control achieved if the farmer does more than the plan calls for. For instance, a farmer whose field has 80 percent residue cover, even though the plan calls for only 30 percent residue cover, would be achieving significantly more erosion control than SCS would document based on the compliance plan.

SCS's procedures should be changed so that status reviews and spot checks accurately account for and report the extra amount of erosion control achieved by practices that go beyond what the compliance plan requires.

Costly Compliance Planning

The 1990-91 SWCS study found the average preplan wind erosion rate in Toole County, Montana, was already below the average T-value. Conservation compliance plans are scheduled to reduce wind erosion by only an average of 0.8 tons/acre/year in Toole County. The 1993 SCS Status Review demonstrated Toole County was not an exception. Statewide, Montana's average pre-plan erosion rate was only 4.4 T/ac/yr, which was nearly equal the average T-value of 4.3 T/ac/yr. Conservation compliance plans are projected to only reduce erosion rates by one ton/ac/yr in Montana. Conservation compliance planning costs money and time. If this is accurate, all the money and time spent to produce conservation compliance plans is apparently wasting a great deal of both in Montana.

Montana was one of the states where the sodbuster concept was introduced and hotly debated. Part of this debate also led to conservation compliance which was injected into the 1985 Food Security Act without the same debate and discussion that the sodbuster concept received. It is ironic that one of the states that provided so much of the indirect impetus for the conservation compliance provision, now appears to have so little need for compliance plans.

Current T-Values Questioned

Soil loss tolerance values (T-values) vary depending on soil type, but most have been somewhat arbitrarily set between 4 to 5 ton/ac/yr. However, Bartelli (1980) found that permeable unconsolidated soils in Illinois could form topsoil at the rate of about a centimeter a year which translates to 60 tons/acre/year. Under modern farming methods, Bartelli found soil formation of not less than 12 tons/acre/year. The average sheet and rill erosion on cultivated cropland in Illinois according to the 1992 National Resources Inventory was 4.4 T/ac/yr. The average erosion rate on HEL cropland after conservation compliance plans are applied is estimated to be only slightly higher at 5.9 T/ac/yr according to SCS's 1993 Status Review. If Bartelli's estimates of soil formation are correct, many compliance plans in Illinois may represent over-planning. It appears in many cases in Illinois that current conservation compliance plans may be not be nearly as flexible as they should be allowed to be. Also, based on Bartelli's information, quite a number of acres of land in Illinois (and possibly in much of the Midwest) have been misclassified as HEL when they really are not.

Farm Bureau recommends that SCS and the Agricultural Research Service re-examine T-values.

Negative Economic Impact For Some Farmers

Some farmers are faced with the very real possibility of a significant negative economic impact as a result of the changes required in the compliance plans.

A ten-year study published in the July-August, 1994 issue of The Journal of Soil and Water Conservation found Oklahoma wheat growers in the more humid part of the state could produce the best return per acre from a clean tillage system. Disk systems were somewhat less profitable and the no-till system was the least economical of those evaluated. The authors' conclusion was that if conservation compliance requirements could be met with the use of a disk system, the cost of complying may be less than two dollars per acre. However, the cost of compliance will be greater if more surface residue is required. If no-till were required for compliance in eastern Oklahoma, it would cost the farmer an average of 10 bushels per acre, reducing yield and income potential by nearly 30 percent from 34 bushels per acre using the moldboard plow to 24 bushels per acre under no-till.

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Farmers are price takers, not price setters and should not be mandated to implement practices that further reduce already thin profit margins.

Rapid Change Produced by Positive Economics

Change would be much more easily accepted and implemented if it was positive for the farmer's economics as well as the environment.

When viewing alternatives to current farming practices, our members have made it clear that they support methods that result in "1) a profit for the farm operator, and 2) a clean environment."

A good example of rapid change occurring as a result of positive economics has occurred in Golden Valley County, North Dakota. Spring seeded small grains (mostly wheat) have increased from almost no acres planted by no-till in 1981 to 70 percent of the acres planted by no-till in 1990. Farmers were able to significantly increase their total production in the last ten years as a result of no-till allowing them to go to annual cropping instead of having to summer fallow the ground every other year. This change was the result of a combination of factors coming together at roughly the same time. These included better equipment, new chemicals, some good no-till research, enthusiastic Extension and SCS staff and a progressive group of farmers. Most of this was accomplished before conservation compliance took effect. This progressive attitude and the results are contagious. A little over a month ago on June 28, 1,700 farmers from three states attended a field day to see the results of various no-till drills.

Farm Bureau recommends that a combination of research, education, technical assistance, economic incentives to promote program implementation and demonstrations using hands-on experience in a voluntary program is the best means to achieving conservation results.

Water Quality Benefits of No-till

Farmers are concerned that current soil erosion equations and conservation compliance rules do not accurately reflect water infiltration rates and erosion on continuous no-till fields. As an example, on March 11, 1994, during the peak of snowmelt and runoff, water samples were collected at four sites in Golden Valley County, ND. Golden Valley borders on Montana on the west and the North Dakota Badlands on the east. The intent was to compare the effects of no-till farming practices on water quality with the effects of other practices in the area including watersheds with mixtures of cropland and rangeland and areas that are summer fallowed using clean tillage.

Compared to the summer fallowed (clean tilled) area, the no-tilled watershed reduced phosphorus concentrations by 93 percent, nitrate+nitrite concentrations by 77 percent, and suspended sediment by 99.8 percent. Also, the quality of water from the no-till watershed generally equaled or was much better than water in either the Little Missouri River or Beaver Creek.

Water Quality Data from Golden Valley County, North Dakota.

	Phosphorus	Nitrate + Nitrite	Suspended Sediment
Summer Fallow (80 acres clean tilled field)	8.00 mg/l	1.98 mg/l	17,000 mg/l
Little Missouri River (mixed crops & rangeland	1.80 mg/l	0.404 mg/l	1,750 mg/l
Beaver Creek (mixed crops and rangeland)	0.446 mg/l	0.989 mg/l	300 mg/l
No-till Watershed (11-12 quarters of No-tilled cropland)	0.590 mg/l	0.457 mg/l	26 mg/l

Source: USDA SCS

Farm Bureau recommends that SCS modify existing conservation compliance rules and soil erosion equations to more accurately reflect water infiltration rates and erosion on no-till fields.

Future Focus: Shift from Compliance Mode to Soil and Environmental Improvement
Once these conservation compliance plans are fully implemented and the new low erosion rates are reached, it becomes extremely questionable whether it makes economic sense to go after the next incremental decrease in erosion. And, it is also questionable from a natural resources standpoint to go after more reductions in soil erosion when erosion rates are already close to or below the "T-value" levels which are thought to be able to sustain soil productivity over the long-term.

Now is not the time to add more mandatory compliance regulations. We should take at least ten years to let nature work through the adjustments man has made and assess the progress at that time.

In the meantime, federal efforts and funds should be refocused from simply "conserving" soil resources to soil and environmental improvement efforts.

SUMMARY

The evidence indicates that voluntary efforts before 1990 produced more reduction of soil erosion than conservation compliance will. Conservation compliance will still likely produce at least another 65.7 percent reduction in erosion compared to 1990 levels.

Therefore, wholesale changes in the conservation compliance law are not needed to achieve excellence in soil conservation. However, research should undertaken to assign more realistic T-Values and soil erosion equations should be updated to more accurately reflect water infiltration rates and erosion on long-term no-till fields.

The rush towards more mandatory provisions for nonpoint source pollution control is ill-advised until we assess the full positive results of conservation compliance and the other management practices farmers have already voluntarily adopted. Trends indicate stream quality is improving. Evidence from stream sediment concentrations indicates we should take at least ten years to let nature work through the adjustments farmers have just made and assess the true progress of conservation compliance at that time.

Farm Bureau recommends a combination of research, education, technical assistance, economic incentives to promote program implementation and demonstrations using hands-on experience in a voluntary program as the best means to achieving additional soil conservation results and other environmental improvements.

Federal emphasis should be redirected away from conservation compliance and focused towards voluntary incentives for soil quality and environmental improvement.

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